Ed

Edward Clark Porter.

ORIGINES BRITANNICÆ;

OR, THE

ANTIQUITIES

OF THE

British Churches.

WITH A

PREFACE

Concerning some pretended ANTIQUITIES Relating to *BRITAIN:*

In Vindication of the BISHOP of St. *Asaph.*

By the Right Reverend Father in GOD,

EDWARD STILLINGFLEET, D. D.

Late Lord Bishop of *Worcester.*

The Third Volume.

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ANTIQUITIES

OF THE

British Churches,

OR A

COLLECTION

Containing their Original Architecture,
Hitherto no where to be found.

With Notes by the Rev. Dr. Stukeley.

London:
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THE PREFACE.

THE *Design of the following Book is to give as clear and distinct a View of the State and Condition of the* British Churches, *from their first Plantation to the Conversion of the* Saxons, *as could be had at so great a distance, and by such a degree of Light as is left us concerning them. When I first undertook this Subject, I intended no more than an* Introduction *to something else; but being entred into it, and laying the several parts of it before me, I found so many common mistakes to be rectified, so many considerable parts of Church-History, which tended to illustrate it, that either I must give a very imperfect Account of it, or so much exceed the proportions of a Preface, that I concluded I had better alter my design, and with more Pains and Materials make it an intire Work of it self. To this end I laid aside whatever related to the first occasion of my undertaking it, reserving that for its proper Place and Season; and then I resumed the consideration of this present Argument, with larger and freer thoughts, and resolved to attempt something towards the rescuing this part of* Church-History, *wherein we are so much concerned, from those* Fabulous Antiquities *which had so much debased the Value and eclipsed the Glory of it.*

This I knew was a Work, not only of much Labour and Industry in searching and comparing good and bad Authors Printed and MS. foreign and domestick; but which required more than ordinary care and judgment in separating the Oar from the Dross; which being done as it ought, the question might be, whether it would not fall out here as in some Mines, that the quantity of good Oar would be so small as hardly to compensate for the Pains of digging and refining it. But this was not all the difficulty to be foreseen; for some Mens Eyes are still so tender as not to be able to bear the strong impressions of Light; especially in what relates to the Antiquities *of their own Countrey.*

For whatever the reason be, of that Love Mankind do naturally bear to the Countrey they are born in, we find it so universal, that even the Laplanders *and* Samoyeds *admire no Countrey like their own; and are impatient of any contradiction to their Fancies of the Beauties and Conveniencies of it. And it is pity to rob Men of any such false Idea's, not entrenching upon Religion or Morality, which tend so much to the Ease and Comfort of their Lives. For, if Men will be in love with a cold Air and a barren Soil, with Ice and Mountains, with living in Caves and Hutts, and travelling upon the hardned Snow, to what purpose should any go about to confute them, by proving that the* Elysian Fields *are more pleasant than those* Northern Climates? *And so strong is the Inclination that is rooted in Mankind to the Love of their Countrey, that some learned and witty Men, who have been born in none of the most tempting Climates have used great Art and Industry to represent them with such advantage to the World, as though* Paradise *were but another Name for their Native Countrey. Of which we have a remarkable instance in the late Work of an ingenious Person, who with mighty pains hath endeavoured to prove not only that* Plato's Atlantick Island, *but*

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Ola. Rudbeck. Atlantic. c. 7. 23.

the Elysian Fields *themselves are to be found in one of the remotest Northern Countries.*

And it is to little purpose to go about to alter such Mens Opinions, which are not so much founded on Reason, as on an over bearing Passion for their native Soil, which hurts no other Part of the World, and makes their own seem more pleasant to themselves. Some will be apt to think, the greatest Punishment to such Persons, is to let them live at Home and enjoy their own Opinions; but I rather look on it as an effect of the Wisdom of Divine Providence to make Men contented with the Places of their Habitations: For if all Mankind should love and admire one and the same Countrey, there would be nothing but destroying one another in hopes to enjoy it; whereas now, since the true Paradise is lost, it seems to be most convenient for the World, that every Nation should believe they have it at Home.

If therefore any of our Neighbour Nations should think their own the richest, the pleasantest, the fruitfullest Countrey in the World, I should by no means think it fit to dispute it with them, no more than I would the Wisdom or Goodness of their Parents. For, however the Truth of things be, it is best for Children to believe well of them; and it may prove of very ill consequence to alter a mistaken good Opinion in them; for it makes them less contented, and less fit to be governed than before; and living under such a misperswasion can never do them so much hurt, as the unseasonable discovery of their Error doth. From hence I look on all National Quarrels as very foolish and mischievous, it being reasonable that all Persons should love their own Countrey as they do their Parents; and no Man ought to suffer in his esteem for that which it was never in his Power to help. But whosoever fixes an ill Character upon a Person on the account of his Countrey, makes a whole Nation his Enemies, which no wise Man will ever do; and whoever doth it, will one time or other see cause to repent his Folly.

But is it not possible for learned and ingenuous Men to enquire into and debate the several Antiquities *of their* Nations, *without making a* National Quarrel *about them? In matter of Self-defence there is a* Moderamen inculpatæ tutelæ *to be observed; and so there ought certainly to be in the Defence of our Countrey; especially when the Dispute relates neither to the Safety, nor Profit, nor the true Honour or Esteem of it, but only to a mere point of* Antiquity; *wherein wise and learned Men may differ from each other, that are Natives of the same Countrey. And these matters are not to be decided in the Field, nor at the Bar, nor by a majority of Voices, but depend upon the comparing of ancient Histories, the credibility of Testimonies, and a sagacity in searching, and skill in judging concerning them. It is not every one that can plead eloquently at the Bar, or quote Authors at second Hand, or dispute warmly out of common Places, that is presently fit to judge about such things; for he that takes upon him to do that ought not only to have a general skill in* Antiquity *and the best Authors, but to compare the Histories and Annals, the Successions and the Settlements of the Neighbour Nations together, and then with great impartiality to deliver his Judgment; but by no means to espouse any particular Interest, as though he were retained on that side. Which he plainly discovers if he appear resolved to maintain one side against the strongest evidence, and to cry down the other in an ignominious and reproachful manner; as though nothing but* particular Piques *and* Animosities, *or which is far worse,* ill Will to the Government, *could lead Men into such debates; nay as though* it were a degree of Lese-Majesty, (*as it is termed*) *to call in question some very remote and very uncertain Traditions about the first*

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Succeſſion of the Kings of a Neighbour Nation. This I have particular reaſon to take notice of, from the uſage the very learned and judicious Biſhop of St. Aſaph *hath lately met with in this kind, merely becauſe in his late excellent Book he rejects* the long Succeſſion of Kings from *Fergus* the Son of *Ferquard*, and from the time of *Alexander*'s taking of *Babylon*; *which he doth chiefly on theſe two Grounds,* 1. *Becauſe he proves from good Authorities in his Book, that the* Scots *could not be ſo early ſettled in* Britain. 2. *Becauſe thoſe* Scotiſh Hiſtorians *who have aſſerted it are not of ſufficient Authority to be relied upon which he ſhews at large in his* Preface. Hiſtorical Account of ancient Church Government in *Great Britain* and *Ireland.*

Now upon this occaſion, His Majeſty's learned Advocate in *Scotland, hath been pleaſed to think it a part of his Duty to anſwer this part of the Biſhop's Book, not without ſome kind of ſharpneſs and unhandſome Reflections on a Perſon of his Character and Merit; but none like this,* That he admires that any of the Subjects of *Great-Britain* did not think it a degree of Leſe-Majeſty to injure and ſhorten the Royal Line of their Kings. *But there is more Reaſon to admire at the ſtrangeneſs of this Accuſation, unleſs it were intended to ſhew that he could as well* proſecute *as write againſt the Biſhop by virtue of his Office, for diſputing their Antiquities. As though the fundamental Conſtitution of the* Britiſh Monarchy *were at all concerned in the Credit of* Hector Boethius, *for upon it, as I ſhall preſently ſhew, the main ſtreſs of this Matter doth reſt.* Letter to Lord Chancellor, p. 11.

But becauſe theſe are dangerous Inſinuations, and may as well be urged againſt ſome part of the following Book, I ſhall here make it clear how very unjuſt and unreaſonable they are. For it is not the Antiquity of the Royal Line *which is in diſpute, but* the Succeſſion *of it in ſuch a Place; the* Iriſh Antiquaries *carrying* the Succeſſion *much farther back than* Hector Boethius, *or* Leſly, *or* Buchanan *do. And therefore they charge others far more* with ſhortning the Royal Line, *making it to begin* with Fergus; *when they derive it long before by a continued Succeſſion from* Simon Brek, *and* Herimon, *and* Gathelos, *who they ſay was but ſix Deſcents from* Japhet. *But if there be* any degree of Leſe-Majeſty (*for I am very unwilling to put theſe hard Words into proper Engliſh*) *in thoſe who debate any thing wherein* the Honour of the Royal Line *is concerned, let them clear themſelves of it, who lay the Foundation of* the Monarchy *in* the Election *of* Fergus. *For that is truly the ſtate of the Caſe; thoſe who contend ſo earneſtly for* the Succeſſion of the Royal Line *from* Fergus *the Son of* Ferquard, *placing his Title to the* Monarchy *in* the Choice *of the Heads of the Tribes; which will appear from* the Words *of* Hector Boethius, *who is in* truth *the main ſupport of all this* Tradition. V. Gratian. Lucium *in* Cambr. *Everſ. p.* 248, 249.

For, although Fordon *doth mention* the Succeſſion *of many Kings from* Fergus *the Son of* Ferquard *to* Fergus II. *yet he profeſſes he could find nothing particular concerning them; although he quotes ſeveral* Chronicles, *and we are told he had the View of their* Annals, *ſuch as they were, of* Paſly, Scoon *and other Places. He names indeed* 45 Kings, but he deſires to be excuſed as to the ſeveral times of their Reigns, for he had not met with them written at large, but from the time of *Fergus* II. he promiſeth to be very diſtinct and particular. *Yet after him comes* Hector Boethius, *of whom the learned Advocate tells us* that *Eraſmus* ſaid he could not lye (*which comes very near to* Infallibility *in* Matter of Fact) *and he is as diſtinct and particular in the* firſt Succeſſion *as he is*

A primo quidem hujus Regni Fergufio filio Ferchardi ad hunc Regem Fergufium filium Erch inclufive, 45. Reges ejufdem gentis & generis in hac Inſula regnaverunt: ſed & horum ſigillatim diſtinguere tempora principatuum ad præſens omittimus, nam ad plenum Scripta non reperimus. *Fordon Scotichr.* l. 4. c. 2.

Defence of the Antiquity, *&c.* p. 29.

in the ſecond. *From whence comes this mighty difference? Of this he informs us from* Hector Boethius *himſelf* (*and can we have a better Authority than his that could not lye?*) That he had ſeveral Books from *Icolmkill*, which he followed in writing his Hiſtory. *I cannot now enter upon the conſideration of the* Authority *of theſe* Books, (*of which afterwards*) *but, as far as yet appears, it depends upon the Credibility of* Hector.

But that which I am now to ſhew is, that if Hector Boethius *his* Authority *be allowed, thoſe who lengthen the* Royal Line *do more* Injury to the Monarchy *than thoſe who ſhorten it. For the firſt Account he gives of*
l. 1. f. 6. *it is this*, " *That the* Scots *in* Britain *being preſſed by the* Picts *and* Britains, *they ſent over into* Ireland *for Aſſiſtance*; Ferquard *ſent his Son* Fergus *with Supplies*; *who, ſaith he, left it to the choice of the Heads of the Tribes, what Government they would have, whether a* Monarchy, Ariſtocracy *or* a Commonwealth; *and they pitched upon a* Monarchy, *and made* Fergus *their King: which he ſaith, was juſt* 330 *Years before* Chriſt's *Nativity. After which he ſets down* Fergus *his owning that he received his* Authority *from the People*; *and* their Fundamen-
f. 10. 2. tal Contract *to adhere to him and to his Line, which if he may be believed, was ingraven in Marble Tables, and then* the Agrarian Law *fol-*
p. 6. l. 19. *low'd. And* (*which is very obſervable*) *the firſt Deſign we find laid* for altering the Succeſſion of the Crown, and excluding the next Heir, *is in* Hector Boethius *his Account of the immediate Succeſſor to* Fergus *the*
f. 10. 2. *Son of* Ferquard. *For notwithſtanding the binding Oath to* the Poſterity *of* Fergus, *yet immediately after his Death, he ſaith,* Feritharis *was choſen King, although* Fergus *left* Ferlegus *his Son and Heir*; *and not only ſo, but a Law, ſaith he, was paſt, excluding the next Heir from any Right to* Government *till he attained to ſuch an Age. The effect whereof was, that* Ferlegus *attempting to recover his* Right *from* Feritharis *was baniſhed*
f. 15. *and utterly excluded.* Hector *himſelf confeſſes*, he was at juſt Age when he demanded the Crown, but he was put by and ſeverely rebuked, *quod injuſſu Patrum petiiſſet Regnum*, for doing it without the Authority of the Senate; upon which they impriſoned him, but he made his eſcape and fled firſt to the *Picts*, then to the *Britains*, and after *Feritharis* his Death *Main* was choſen to ſucceed. *This is the juſt and true Account of this* Matter, *as it is delivered by* Hector Boethius, *and after*
Leſle l. 2. p. 81. *him by* Leſly, *who ſpeaks more plainly of* Ferlegus *his excluſion*; ſed Ferlegum recuſavit Populus. Buchanan *ſaith*, that he was condemned in
Buch. l. 4. p. 29 his Abſence; *but he would fain reconcile this Practice to their former*
p. 245. *Oath*; (*although the* Advocate *himſelf ſaith*, this Oath did in Law and Reaſon bind them to obey the Lineal Succeſſor according to the proximity of Blood) *but* Buchanan's *pretence is* becauſe the preſent King during the Minority of the Heir, was but a King in truſt, and the Heir at ſuch an Age was to ſucceed. *But how well that was obſerved appears by this firſt Inſtance, and in truth,* Hector Boethius *and the reſt after him do put the whole Power as to theſe* Matters, *in the Hands of* the People, *or at leaſt of the* Heads *of the* Clans; *as will appear more afterwards.*

Defence, &c. p. 110. *It cannot therefore but be very ſurprizing to us to ſee his* Majeſty's Advocate *ſo zealouſly defending this Hiſtory of* the firſt Succeſſion of their Kings, *and reflecting upon a* Biſhop of our Church, *for calling it in queſtion. And yet he cannot deny that this Law* was the Occaſion of many bloody Civil Wars between the Uncles and Nephews; *and he calls it*

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the Diſpute betwixt ſuch as were for the Crown and ſuch as were for Popular Elections. *From whence it follows, That* Hector Boethius *his Hiſtory of the firſt Succeſſion from* Fergus *is to ſet up the popular Claim. And quite through that firſt Race* Hector *makes the ſupreme unaccountable Power in all Caſes of Male Adminiſtration to be lodged in the Heads of the People, and the* Miniſterial *in the* Monarch.

And therefore, we ſhould have thought it had better become his Majeſty's Advocate *to have overthrown ſuch pernicious Principles to* Monarchy, *as are contained in this account of the* firſt Race *of their Kings from* Fergus *the Son of* Ferquard. *And although* Buchanan *among the half-learned, bear the blame of theſe* Antimonarchical Principles, *yet it is evident that he only built on the Foundations laid by thoſe who ſet up this firſt Race, as the Advocate himſelf confeſſeth, whoſe Words are,* All *Buchanan's* Arguments for reſtraining Kings being founded on the Authority of our Hiſtorians, who, *as he ſaith,* aſſert that King *Fergus* was firſt elected King by the People. *And therefore thoſe Hiſtorians who ſet up this Succeſſion in ſuch a manner had no kindneſs to* Monarchy, *as appears by what* Leſly *himſelf ſaith about King* Fergus *and his Succeſſors.* Juſt Right of Monarchy, p. 26. Leſl. Hiſt. p. 77, 79.

It is true that the learned Advocate *hath, according to his duty, publiſhed a* Juſt Defence of the Monarchy of Scotland; *but I muſt crave leave to ſay, that it can never be defended upon good Grounds unleſs the Account of* Fergus *the Son of* Ferquard, *and the Succeſſion of Kings from him as delivered by* Hector Boethius *and* Leſly *as well as* Buchanan *be rejected. And this is too plain from the Anſwers he gives to this* Conſent of their Hiſtorians.

1. *He ſaith,* That *Gathelos* was not at all Elected by the People. *Whither are we now carried? The Queſtion was concerning* Fergus *in* Scotland, *the Anſwer is concerning one who is ſuppoſed to have lived I know not how many Ages before him, and we know not where: And it had been to as much purpoſe to have ſaid, Adam* was not choſen by the People. *But who was this* Gathelos? *In very truth, he was no other* (*according to theſe* Hiſtorians) *than* a Son of a certain King of *Athens,* who went into *Ægypt* and married *Scota* the Daughter of *Pharaoh,* who was drowned in the Red Sea, and afterwards ſettled in *Portugal,* from him called *Portus Gatheli,* (*as the* Advocate *obſerves*) from whence a Colony of that Race tranſported it ſelf into *Ireland,* and another into *Scotland. Now, ſaith he,* all thoſe who are deſcended from his Colonies were by Law obliged to obey the eldeſt Son and Repreſentative of that Royal Family. *What! by the Law in King* Fergus's *time? For there is none ſo much as mentioned before that* fundamental Contract; *and was it not well kept after* Fergus's *Death? But if there had been any Precedent the other had been needleſs. However the queſtion is not concerning* Gathelos *and his Poſterity in* Ireland, *but* Fergus *and his Succeſſors in* Scotland. p. 27. p. 26. p. 28.

2. *He anſwers,* That the Heads of their Tribes acknowledged *Fergus* for their King. *But do not theſe Hiſtorians ſay expreſly,* That they choſe him, and that he left it to them to chuſe what Government they pleaſed? *And the Words of* Fergus *in* Hector Boethius *are theſe,* Veſtrum erit in hoc Negotio, quid utilius ad veſtram Rempublicam ſit diſcernere, noſtrum veſtra capeſſere imperia. *Did ever Man more own the Supreme Authority of the People than* Hector Boethius *makes* Fergus *to do in theſe Words? Whether theſe very Words were ſpoken by him, even* Hector *dares not ſay; but he is ſure* they were ſuch like. *And afterwards he ſaith,* tandem p. 27. Hect. Boeth. Hiſt. l. 1. f. 62.

Leſl. Hiſt. Scot. p. 77. tandem Fergusio Regnum decernunt; *And to the ſame purpoſe* Leſly, Fergusio Regnum ab omnibus decernitur. *Is all this* a bare Acknowledgment of him for their King? *What more emphatical Words could be uſed to expreſs a* free Election, *and that the People gave* Fergus *the Power, than theſe Hiſtorians do uſe?*

p. 29. 3. *He goes on to give a farther Anſwer, which is very remarkable in his* Majeſty's Advocate, *viz.* that we read nothing at all of the Conſent of the People, but of the Heads of the Tribes, who had no Commiſſion from the People, each of them having by his Birth-right a Power to command his own Tribe, and conſequently the Royal Power was not derived from the People. *What is the meaning of all this, but only to ſhew that the* Royal Authority *was not derived from the* Rabble, *but from the* Nobility *or* Heads *of the* ſeveral Clans; *and conſequently the Power of calling their* Kings *to account lay only in them? No, ſaith he, Fergus* ſucceeded in the Right of thoſe Chiefs to command their reſpective Families. *Then* Fergus *had no more Power, as* Monarch, *than the* Heads of the ſeveral Clans *had before. But did they, according to theſe* Hiſtorians, *part with their* Rights of Government *to* Fergus *and his* Poſterity? *By what Authority then did they take upon them to impriſon and depoſe* (a) Euenus III. *and ſet up* Cadalanus *as King? By what Authority did they take Arms againſt* (b) Dardanus *and ſet up* Galdus, *who took away his Life,* communi omnium Ordinum conſenſu, *ſaith* Leſly? *By what Authority did they aſſemble againſt* (c) Lugtachus, Galdus *his Son, and ſent Soldiers to diſpatch him? By what Authority did they riſe againſt* (d) Mogallus *his Succeſſor, with a deſign to deſtroy him, as* Hector *confeſſeth, which they did effectually, as* Leſly *agrees? How came they to take upon them to impriſon* (e) Conarus *and ſet up* Argadus *in his room? And to diſpoſe of the Government in the time of* (f) Ethodius II. *and according to* Leſly *commit him to Priſon, where he was killed? How came they, notwithſtanding the Law of Regency to ſet up* (g) Athirco, *while he was uncapable by it? I meddle not with thoſe Kings who were killed by* ſecret Conſpiracies, *nor with open Uſurpers, ſuch as* Nathalocus *and* Donald *of the* Iſles; *but I only ſet down what theſe* Hiſtorians *deliver, as to the Right and Authority which the* Nobles *aſſumed to themſelves in caſe of Male-adminiſtration, to ſhew that if theſe Mens Accounts muſt be received,* the Heads of the Clans *did not part with their ſhare in the Government ſo much, but upon occaſion they did reſume it. And therefore I have been apt to ſuſpect (from the Controverſie about Regency at the time when* Hector *wrote) that all this Hiſtory of the firſt* * *Race of Kings was framed on purpoſe out of ill will to the* Monarchy, *and with a deſign to advance the* Power *of the* Nobility. *And now let any true friend to the* Monarchy *judge, whether thoſe who ſhorten the* Royal Line, *or thoſe who ſo earneſtly contend for this Story of* Fergus *and his Succeſſors, be more liable to be charged* with any degree of Leſe-Majeſty.

(a) *Hect. Boeth.* l. 3 f. 36. l. 40. *Leſl.* p. 92.
(b) *Hect. Boeth.* l. 4. f. 59. *Leſl.* p. 97.
(c) *Hect. Boeth.* l. 5. f. 75. *Leſl.* p. 101.
(d) *Hect. Boeth.* l. 5 f. 79. *Leſl.* p. 103.
(e) *H.ct. Boeth.* l. 5. f. 81. *Leſl.* p. 103.
(f) *Hect. Boeth.* l. 5. f. 90. *Leſl.* p. 109.
(g) *Hect. Boeth.* l 6. f. 90. *Leſl* p. 110.
* *Leſl.* p. 392, 396.

p. 28. Scoti-chron. l. 1. c. 36. 4. *But after all, the* Advocate *ſaith,* That *Fordon,* the moſt antient of their Hiſtorians affirms, That *Fergus* made himſelf King. *Indeed* Fordon *doth ſay,* That *Fergus* the Son of *Ferard,* (*as he calls him*) hearing there were many *Scots* in the Northern Parts of *Albion,* living without Order and Government, and hearing a good Account of the Countrey, he was prompted by his Ambition to go over to them, and taking with him a good number of young Men, he gathered together the diſperſed Scots, and joining them all together in the Weſtern Parts, he made himſelf King over them. *Which is no improbable Account, but* Fordon

don *saith not a Word of all the former Passages in the other Historians. And if* Fordon *be the most ancient of their Historians, what becomes of* Veremundus *and* Cornelius Hibernicus, *the two great Supporters of* Hector Boethius *his History? If they were after* Fordon, *how came they to be so well instructed in so many particulars in the* first Succession, *which* Fordon, *was wholly unacquainted with?*

I cannot deny that Fordon, *speaking of the Coronation of* Alexander III. (*as he calls him*) *mentions an old* Highlander, *who in the* Irish Tongue *repeated the* Genealogy *of their* Kings *backward as far as* Fergus *the Son of* Ferquard. *But therein he comes not up to the number, either in* Fordon *or* Hector Boethius; *and hath very considerable differences from the Accounts either in him, or in* Lesly *and* Buchanan. *For after* Fergus *he leaves out* Feritharis, *and makes* Main *his next* Successor; *the next he calls* Arindal *whom they call* Dornadilla; *his Son,* Roveyn, *they* Nothatus; *and his* Rether *is the same with their* Reuther; *but here they interpose a* Reutha *to make their Story agree with* Bede's Reuda. *But this Genealogist next names* Ther, *whom they call* Thereus, *and his Son* Rosin; *but they say* Josina *succeeded* Thereus, *being his Brother. After this, we find a greater difference, for instead of* Finnanus, Durstus, Euenus, Gillus, Euenus II. Ederus, Euenus III. Metellanus, Caratacus; *we find there only* Dethach, Jaw, Aliela, Euen, Ederskeol, Comermore; *Some agreement there is, but a far greater diversity, and* Hector's *famous* Caratacus *quite omitted. Then succeeded* Corbre, *whom they call* Corbred, *after him* Daradiamore, *by them stiled* Dardanus; *then another* Corbre *instead of their* Galdus; *and then* Luthach, Lugtacus *in them; then* Mogalama, *their* Mogallus; Coner *their* Conarus; Ethath *their* Ethodius; Fiachrath *their* Satrahel; *then another* Ethath, *whom they call* Ethodius II. *before whom they place* King *Donald*, in whose time, *they say*, Christianity was first received in *Scotland, who is utterly excluded by this ancient Genealogy. For after this* Ethodius *follows in it* Athirkiwr, *which is their* Athirco, *then* Findachar, *which is their* Findocus, *and so* Nathalocus *is shut out; and so after him are the two* Donalds, *for the next that follows is* Thrinklind, *whom they call* Crathlintus; *then* Fencormach *their* Fincormacus, *after him* Romaich, *their* Romachus; *then* Eneguſſa, *which is plainly their* Angusianus, *and* Fethelmech *their* Fetelmachus; *then* Engusasich *and* Etheat, *instead of which they put* Eugenius *and* Ethodius *his* Brother; *whom* both *make* Grand-father *to* Fergus II. *whose* Father *they call* Erthus, *but the ancient Genealogy and* Fordon Eirch.

Scotichron. l. 10. c. 2.

Now by comparing this Genealogy *and* Hector Boethius *together, I am convinced that he did not forge all* the Names *of* his first Race of Kings, *between the two* Fergusses; *but yet from hence it appears,* (1.) *That* Hector *did insert many* things *contrary to* this ancient Genealogy; *and when he did so he had some end to serve in it. As when he puts in* Regents *which* the Genealogy *never owns; but this was to support* his Law *of Incapacity; but in all* this Genealogy *there is a direct* lineal Descent, *and when he puts in* Reutha *it is to answer* Bede's Reuda, *and* Galdus *for* Tacitus *his* Galgacus, *and* Caratacus *for the famous* British King *of that Name; and King* Donald *to answer our King* Lucius, *that they might have a* Christian King *in the time of the Pope next succeeding* Eleutherius. 2. *That this* Genealogy *may be allow'd without any advantage to the Succession of Kings in* Scotland, *from* Fergus I. *so long before the Nativity of Christ; for it is very observable, that this ancient Genealogist doth very much shorten the Succession between* Fergus II. *and this* Alexander. *For he*

leaves out Eugenius II. *and makes* Dongard *to succeed him*; *after him* Cobren, *and then* Edanius, *whereas here they insert* Constantius I. Congallus, Conranus, Eugenius III. Convallus, Kinnatillus *between* Dongard *and* Aidanus: *After him he names his Son* Occahebind, *whom* Fordon *calls* Eothodius-bind, *which he saith is the same with* Eugenius; *and about him*, Hector Boethius, *as* Buchanan *observes, contradicts the* Book *of* Pasly, *for this saith*, he lived in continual Wars, *and the other* that he enjoy'd a constant Peace; *so that* Boethius *slights the Authority of their* ancient Annals. *Next after him they place* Ferquard, *of whom the* Genealogy *saith nothing at all*; Fordon *next to nothing.* In cujus nihil actum est tempore, *saith he*; *but the other Historians tell sad Stories of his vicious Life and tragical End. After* Eugenius *in the* Genealogy *we find* Donewald breck, Fordon *saith*, he died after 14 Years Reign; *and to him succeeded* Ferquard *his Brother's Son, not mentioned in the* Genealogy; *nor* Malduinus *Son to* Donald; *for the next is* Ethac, i. e. Eugenius, *and here they put in another* Eugenius, Ambirkelethus, Eugenius VII. *and* Mordacus *between* Ethac *and* Ethfin, *whereas the* Genealogist *makes* Ethafind *Son to* Ethdre, *to whom succeeded* Ethas, i. e. Eugenius VIII. *in their Account, after him follows* Alphin; *but between these, they have inserted* Fergus III. Solvathius, Achaius, Convallus *and* Dongallus. *They all agree with the Genealogist, that* Kenneth *immediately succeeded* Alphin; *but then follows a wonderful difference*; *for here they put in no fewer than* 13 *Kings between* Kenneth *and* Malcolm *the Son of* Kenneth, *whom the* Genealogist *places next after him*; *then follows* Duncan *in all*; *between whom and* Malcolm Canmoir *they put in* Machabæus. *After* Malcolm *he takes no notice of four Kings they insert between him and* David, *and where they put another* Malcolm *he placeth* Henry, *and then they agree in* William, Alexander *and his Son* Alexander; *in whom the* Genealogy *begins, and so runs backward in a lineal Ascent.*

Scotichr. l. 4. c. 38. Buchan. l. 5. p. 45. Scotichr. l. 4. c. 41. c. 45.

Now it deserves very well to be considered, that this ancient Genealogist hath so much shortned the Succession *as will bring the whole into a much less compass: For the modern* Historians *have inserted more Kings in the second Race from* Fergus *the Son of* Erk *than are contained in the* Genealogy *from* Fergus *the Son of* Ferquard *to* Fergus II. *and so the whole Succession will stand within the same time that it now doth, from* Fergus *the Son of* Erk.

And if the shortening the Royal Line be such an Injury to it, *as the* Advocate *supposeth, it is well for this ancient Genealogist that he lived so long since, or else he might have had a cast of the* Advocate's *Office.*

Defence of the Antiquity of the Royal Line, p. 20, 21.

Neither is the Authority of this Genealogist to be slighted by the learned Advocate, since himself giving an account how their Tradition might have been, and was preserved, *he brings this very instance of* the Genealogy of King *Alexander* in the Year 1242. before *Fordon*'s time, and related so by him that his Relation cannot but be credited; *and so he repeats the beginning of it as it is in* Fordon. *But if he had taken the pains to compare it, he would have found how much it overthrew the Credit of their Historians. For if this was the Way their Tradition was preserved, then by this Way, we are to judge of the Truth of their ancient Tradition; and consequently we must reject those Kings whose Names are not preserved in this ancient Genealogy.*

And to confirm this we have another said to be more ancient in Fordon, *which the* Advocate *attributes to* Baldredus, Abbat *of* Melros, (*otherwise*

p. 22.

wise called Ealredus, Abbat *of* Rhieval) *in his Lamentation of King* David, *soon after his death, who died* A. D. 1151. *But I confess I do not find, that* Fordon *attributes this Genealogy to* Baldredus, *for he saith,* he had it from *Walter de Wardlaw, Cardinal* and the Bishop of *Glasgow*, who lived in the time of *Robert* II. *saith* Lesly: (*which helps to discover* Fordon's *Age.*) *And in this* Genealogy *the first part from* David *to* Fergus *is cut off with an* &c. *but the other part from* Fergus II. *up to* Fergus I. *is preserved entire, and except in the spelling of some few Names, exactly agrees with the former* Genealogy, *leaving out all those Kings which are omitted in the other. But the latter* Genealogy *having been corrupted before* Fordon's *time, he would not have it stand upon Record against him; which caution he forgot when he came to* Alexander III. Scotich. l. 5. c. 59. *Lesla.* p. 250.

But there is still a third Genealogy *in* Fordon, *which supplies in some measure the defects in that of King* David, *and it is the* Succession *of* Kenneth, *the first* Monarch *of* Scotland (*the* Picts *being totally subdued by him*) *and then he makes no more between them but* Alphin, *and then* Achai (*which seems to be truer than the other, which calls* Alphin's *Father* Ethas) *before him he places* Ethfin, *called* Ethafind *in the other; next him is* Eugenius *in the other* Ethodac; *then* Dongard *the Son of* Donwald Breck; *whereas in the other this* Dongard *is omitted; before* Donewaldbreck *in this Genealogy, is* Eugenius-bind *called* Occahebind *in the other; then* Aidanus, *in the other* Edanus; *then* Gouran *called there* Cobren, *then* Dongard, *and so we are come to* Fergus the Great; *and there is but one difference,* i. e. *about* Dongard, *in these Genealogies. And this makes but* 10 *Kings between* Fergus *and* Kenneth, *whereas the common Historians make* 28. *which is a very unreasonable Addition to their own most ancient Genealogies. But if this were not done there would appear no probability, that* the first *Fergus* should have come into *Scotland* 330 Years before Christ's Nativity. *Which the learned Advocate affirms in the very beginning of his Defence,* that all their Historians are agreed on. *And yet farther to confirm these Genealogies, he tells us* he had seen an old Genealogy of the Kings of the *Albanian Scots,* agreeing with that mentioned at the Coronation of King *Alexander* II. and which has still been preserv'd as sacred there, *i. e. at* Icolmkill, *I suppose, or the Island* Jona. *But it is observable, that* Hector *mentioning the Coronation of this* Alexander, *takes notice of the* Highlander's repeating the Genealogy by heart, *and he carries it as far as* Gathelos, *but sets down nothing at all of the particulars, which he knew would by no means agree with his* Catalogue of Kings *so long before Christ. And to confirm all these Genealogies, the* Irish *Genealogies in* Gratianus Lucius *agree with them in excluding so many Kings, which* Hector *hath inserted to make the account of time seem probable. Only they make* Fergus *the Son of* Erk *to be the first who carried the* Scots *from* Ireland *in* Albany; *and the Ancestors before to have lived in* Ireland, *and to have been derived from the Monarchs there.* *Hect. Boeth.* Hist. l. 13. f. 295. *Gratian. Luc. Cambr. Evers.* p. 248.

But when Hector Boethius *found* 330 *Years before Christ pitched upon by* Fordon *for the* Scots *coming into* Scotland *with so much punctuality, that he saith* it was in the sixth Year of *Alexander,* wherein he killed *Darius* and took *Babylon, he thought it by no means fit to omit it, but to it he adds* the very Year of the World, and of the building of *Rome,* and how long it was after *Brutus* his first coming to *Britain; which are all great Confirmations of the Truth of this Account. But* Fordon *quotes no Author* Scotichr. l. 2. c. 12. *Hect. Boeth.* l. 1. f. 7.

for

for this wild Computation; only he ſubjoins a Paſſage out of the Legend of S. Congall, *which mentions the coming of* Fergus *the Son of* Ferquard *out of* Ireland *into* Britain, *and after he mentions* Rether *for one of* his Succeſſors, the ſame, *he ſaith, with* Bede's Reuda. *Supp ſe all this be granted, yet what ſhadow of Proof is there,* that *Fergus* came into *Scotland* ſo long before Chriſt's Nativity? Fordon *confeſſes* he knew not how long any of thoſe Kings after *Fergus* reigned; *how then came he to know ſo exactly the time of their coming? What certain Note or Character of time had they to help them in their Calculation? If they could produce any ſuch, and be able to adjuſt the times of* the Succeſſion *of their ſeveral Kings by them, there might be a great deal ſaid for this pretended* Antiquity; *but when it is at the ſame time confeſſed they had no ſuch thing, how could they ſatisfie any reaſonable Enquirer into theſe Antiquities?*

Things ſtanding thus, and Hector Boethius *with the help of his* Phyſician *of* Aberdeen, (*who, as* Dempſter *ſaith, was ſo very uſeful to him* in framing his Hiſtory) *ſet about the rectifying and curing the Body of their* Antiquities; *and endeavour'd to bring it into better form, and to fill up the Vacuities of it, and render it more agreeable to the Palates of that time, which had more ſmattering of Learning than in the Ages before. And ſo he begins his Hiſtory very formally in imitation of the beſt* Roman *Authors, with deducing their Hiſtory from* Gathelos *and* Scota, *deriving their Succeſſion from the* Greeks *and* Egyptians, *as the* Romans *did theirs from the* Trojans. *This I do not attribute to his Invention, for it is at large in* Fordon; *who quotes ſome old* Chronicles *and* Legends *for it; eſpecially the* Legend *of S.* Brendan; *an admirable and authentick Record. But to do right to* Hector *in this matter, he ſaith ingenuouſly* that their People follow'd the Cuſtom of other Nations therein. *And as I have ſhew'd in the following Book at large (where I treat of theſe* Antiquities) *this humour had overſpread all the Northern Nations, as ſoon as they ſhook off the* Roman *Yoke, and began not only to be diſtinct Kingdoms, but to have ſome affectation of the* Roman *Learning, and to have Perſons of their own Nation who began to write their Hiſtories; who thought they did nothing for the Honour of their Countrey unleſs they could, ſome way or other, derive themſelves from the* Trojans, *or* Greeks, *or* Egyptians, *whom they met with ſo often in the* Roman Authors; *and the* Romans *in moſt Provinces mixing together with the* Northern People, *excited a greater Ambition in them, either to be like the* Romans, *or to exceed them in their pretended Antiquities. And their Inventions not being extraordinary, there is very little variety in their ſeveral Accounts, as will appear by comparing them in their proper Places.*

In this point Hector Boethius *hath acquitted himſelf well enough; but finding* the Succeſſion *of their Kings very ſhort and meagre, having no fleſh to fill it, nor nerves to ſupport it, nor colour to adorn it; therefore he ſets himſelf to make up what he found defective, and to put it together under the Names of* Veremundus *and* Cornelius Hibernicus *or others; out of theſe he frames a long Series or* Catalogue *of Kings, which looked big, and raiſed Mens Expectations, and ſeem'd well enough contrived to ſerve the pretence to ſo great Antiquity. This being done, he fills up the Story of theſe Kings, not out of their* old Annals (*as far as yet appears*) *but in a great meaſure out of his own Invention, ſo as to mix* the Commonwealth-Learning *of the* Greeks *and* Romans *with the Hiſtory of their ancient Kings. Which hath done great prejudice to* the Rights *of* the Monarchy; *for* He-

Hiſt. Eccleſ. l. 2. n. 175.

Scotichr. l. 1. c. 9.

Chap. 5.

Hector's *History took so much among the Nobility, (for very good Reasons to them) that all that have written since him, have depended upon* his Authority, *as appears both by* Buchanan *and* Lesly; *unless it were where he grosly contradicted the* Roman History, *and there* Buchanan *leaves him, but for the main of his History he relies upon him; and* Lesly *doth nothing in effect but abridge him, whatever he pretends as to* Records *and the* Annals *of the* Monasteries *of* Pasley *and* Scoon; *which* the Advocate *supposeth* he saw at *Rome*, whither *he saith* they were carried. *If so, it had been worth while to have procured well* attested Copies *from thence; which had not been hard in all this time, so many* Gentlemen *of* that Nation *travelling thither, and seeing all the Curiosities of their Libraries. But* Lesly *saith no such thing; for he appeals to* the Publick Archives of the Kingdom, *and not to any* MSS. *at* Rome; *so that if they were any where, they were then in* Scotland. *Lesle. paran. ad Nobil. Scot. p. 22.* Defence of the Antiquity of the Royal Line, p. 39.

But the Advocate seems to have forgotten what he had said before, viz. *that* the black Book of *Scoon* was among President *Spotswood's* Books; *Indeed, he saith,* King *Charles* I. ransom'd it from *Rome*; *but how that appears I know not; but I know the Circumstances he mentions about Col.* Fairfax, *&c. relate not to the* Book of *Scoon, but to a* Copy *of* Fordon, *which was presented by him to King* Charles II. *And if Buchanan* had the use of the Books of *Pasley*, and the famous Book of *Pluscarden, as the Advocate believes, upon* Buchanan's *Word, then in his time they were not carried to* Rome. *For my part, I do not question that there were* MSS. Chronicles *in* Scotland *before* Fordon; *for I find him frequently citing them; but by the things he quotes out of them they were not considerable, nor done by any Authority, as the* Annals *of the* Royal Monasteries *of this* Kingdom, *his Continuer saith* were and afterwards examined and compared. *I am sorry to find Sir* R. Sibbald *reckon up among* the Books he had never seen, *(having made it his business so many Years to illustrate his Countrey) not only* Cornelius Hibernicus *and* Veremundus, *but the* Annals *of* Pasley *and* Scoon: *But however, we are glad that the Advocate assures us* he hath a very old Abridgment of the Book of *Pasley*; *and may this present heat against the* Bishop *of St.* Asaph *provoke them to procure and publish their* ancient Annals, *such as they are, which will be the greatest advantage to the World of* this Contention *about* their Antiquities. *And I am so far from any* Pique *or* Animosity *in this matter, that I should be glad to see* those Antiquities, *which yet appear dark and confused, clear'd up to the* Satisfaction *of all learned and ingenuous Men.* p. 32. p. 32. Prodrom. Hist. Natur. *Scot.* p. 13.

But I must beg pardon of his Majesty's Advocate, if I take the freedom to say, he hath not taken the right method to do it. For he ought first to have proved the matter in dispute by clear and indubitable Testimonies, before he had made his severe Reflexions and Inferences; but as Cicero *said of the* Musician *who defined the* Soul *to be* Harmony, ab Arte sua non recessit, *so this ingenious Gentleman hath managed this whole debate in a way more agreeing to the Character of an* Advocate *than of an* Antiquary. *For why so many Insinuations, as though some* Injury were intended to the Royal Line, *which I dare say, the* Bishop *of St.* Asaph *doth really honour and esteem as much as his* Majesty's Advocate *himself. For, doth any Man of Understanding think that it is any* Injury *to the* Royal Line *of* Britain *to have* the fabulous Antiquities *of* Geoffrey *of* Monmouth, *concerning* the Succession *of* British Kings *down from* Brutus *confuted? And is not this done by* Buchanan? *And* the Advocate *in plain English saith,* those tempt Men to lye who endeavour to derive themselves from the *Tro-* p. 15.

jans. But why not, as well from the Greeks *and* Egyptians? *But the* Bishop *of St.* Asaph *is so just to Truth, and so little a Friend to popular Fables, that he fairly gives up* Geoffrey *before he attacks* Hector Boethius; *could any thing be more fairly and impartially done? or more convincing, that he only designed to find out* Truth *in* these Matters, *without regard to that fondness some Men still have for these* British Antiquities? *For there are and will be some (and those not wholly unlearned) who are naturally inclined to believe Fables; and have so passionate a Zeal for such things, that they cry out upon all Discoveries of this kind, as Injuries to their* Countrey, *if not to* the Royal Line.

But may it not justly seem strange, that when our polite and learned Neighbours have endeavoured with so much care to reform their Histories, *and to purge away all* fabulous Antiquities *out of them; we of this Island should grow angry and impatient when any undertake so generous a Design? What Injury is it thought to be to* the Royal Line *of* France, *that* Hunibaldus *his* Antiquities *find no longer place in* their Histories? *And yet nothing seems more glorious, than to have* their Royal Line *deduced long before the time that* Alexander *took* Babylon. *For according to* Hunibaldus *his Account, which he took he saith out of an ancient MS. of* Vastaldus (*such another* Author *as* Veremundus) *the* Franks *went from* Troy *under the Conduct of* Francio *towards the* Palus Mœotis *just about the time that* Æneas *went for* Italy, *where they fixed, and built* the City Sicambria, *and at last removed into* Germany *under* Marcomir *the Son of* Priamus, *and* Sunno *the Son of* Antenor. *After* Francio, Hunibaldus *sets down a formal Succession of Kings of two several Races,* 16 *in the first, and* 31 *in the second. All which he gives a very particular account of, as to the times of* their Reign *for above* 413 *Years before* Christ's Nativity. *And although* this ancient Succession *of Kings was a long time received and magnified, as appears by* Lazius *and* P. Æmilius, *and* Fordon *quotes* Sigebert *for it; yet now their learned Historians are ashamed to mention it, much more to plead for it, and to charge those with* a degree of Lese-Majesty *who call it in question.*

Scotic hr. l. 3. c. 19

Suffridus Petrus *hath* written the Antiquities *of* Friseland *much in the way that* Hector Boethius *hath done those of* Scotland. *He tells a very grave Story concerning a Province in the* Indies *called* Fresia, *from whence a Colony was sent under* Friso, Saxo *and* Bruno, *who went into* Alexander's *Army; and for this he quotes old* Frisian Rythms, *and one* Patrocles, *an old* Indian Writer; *and besides, he hath all* the Advocate's Common Places of Tradition, common Fame, *the Testimonies of their own Historians, and he names* Andreas Cornelius, (*it seems there was a* Cornelius Frisius *as well as* Hibernicus) Solco Fortemannus, Occo Scherlensis, Joh. Uleterpius, *and several others, who with one* Consent *deliver* these Antiquities. *But, saith he, ye will object,* That in so long a time and amidst so many Wars such Antiquities could hardly be preserved. *To that he answers,* " *That* Friso *being admirable skilled in* Greek *Learning set up a* " *publick* School *at* Stauria *near the Temple of* Stavo, *and in the Temple* " *a Library on purpose for* Antiquities (*like that of* Icolmkill) *and be-* " *sides a Palace was built by* Uffo, *wherein was contained the Effigies of* " *all* the Kings *from* Friso, (*who came to* Friseland *just* 313 *Years be-* " *fore* Christ's Nativity) *to the time of* Charlemagn, *for* 1113 *Years. And are not* these Antiquities *very well attested? Yet since* Ubbo Emmius *hath confuted them, no learned* Advocate *hath appeared in vindication of them.*

Suffr. Petr. de Origine Frisiorum, l. 3. c. 2.

c. 3.

c. 4.

Is

Is it any diſparagement to the Royal Line *of* Spain *to have* the firſt Succeſſion *of* Kings *there diſputed* ; viz. *from* Jubal *to* Melicola *the 24th King from him, who is ſaid* to have reigned there, the very Year after the deſtruction of *Troy ? So very punctual are the Authors of* fabulous Antiquities. *And if you believe them, they have good* ancient Authors *and the Tradition of their Countrey for them* ; hæc noſtri Majores multis Libris tradiderunt, *ſaith the pretended* Beroſus. *And by theſe helps, we have great light given us into* the Antiquities *of* Europe ; *for thereby we underſtand that* Janus, (*who was ſomewhat elder than* Gathelos, *being* Noah *himſelf*) *gave* Tuyſco *the Countrey from the* Tanais *to the* Rhyne, Italy *to* Gomer, *the* Celtick *Provinces to* Samothes, *and* Celtiberia *to* Jubal. *And this was juſt* 131 Years after the Flood ; Gomer *went into* Italy *the 10th Year of* Saturn *the Father of* Jupiter Belus ; *in the 12th* Jubal *went into* Celtiberia, *and not long after* Samothes, *called* Dis, *founded* the Celtick Colonies ; *among which were the* Britains, *and from him* their Druids *were called* Samothei : *After* Jubal *among* the Celtiberians *reigned* Iberus *his Son, from whom came the Name of* Iberi ; *and among* the Celtæ, Magus *the Son of* Samothes *in the 51ſt Year of* Ninus, *who ſucceeded* Jupiter Belus : *This* Magus *in the* Scythian *Language is* Magog, *and from him came ſo many terminations of* the Names *of* Towns, *as* Rhotamagum, Noviomagum, Juliomagum, Cæſaromagum, *&c. In the* 34th *of* Semiramis, Jubelda *Son of* Iber, *ſucceeded in* Celtiberia ; *in the time of* Ninias, *Son to* Semiramis, *reign'd* Sarron *among* the Celtæ, *from him the learned* Gauls *were called* Sarronidæ, *the ſame I ſuppoſe with our* Advocate's Sanachies. *In the* 20th *of* Arius, Brigus *reigned in* Celtiberia, *and in the* 29th Dryius *among* the Celtæ ; *nothing can be more natural than to derive* the Druids *from him :* Who being converted, *the Advocate tells us*, became their firſt Monks, and in the *Iriſh* Verſion of the New Teſtament the Wiſe-men are tranſlated *Druids* ; *therefore the* Druids *were originally* Iriſh. *In the time of* Aralius, *the ſeventh King of* Babylon, Bardus *was King over* the Celtæ ; *and he was the Inventor of* Muſick *and* Verſes ; *and from him came* the Bards, who were the Poets of their Traditions, *as* the Advocate *ſtyles them. After him ſucceeded* Longo, *then* Bardus junior, *after him* Lucus, *and then* Celtes, *and* Galates, Narbon, Lugdus, Beligius, Allobrox, Romus, Paris, Lemannus, Galatas junior, *and* Francus.

p. 14.

p. 13.

p. 14.

Muſt we allow all theſe noble Antiquities *for fear of ſhortning* the Royal Lines *of the Princes of* Europe ? *And yet here is a great appearance of exactneſs, a pretence to* ancient Records, *and to the common Tradition of the ſeveral Countries* ; *for* Beroſus *appeals both to* Tradition *and* Writing ; *and ſo doth* Manetho *in the continuation of him*, quæ ex noſtris Hiſtoricis vel eorum relationibus conſecuti ſumus ; *ſo that here we have the* two Supporters of Antiquities, *which* the Advocate *builds upon*, viz. Tradition *and* Records. *And* Metaſthenes, *another pretended continuer of* Beroſus *ſaith*, he took all out of the Royal Library at *Suſæ*, where the *Perſian* Annals were preſerved. *But notwithſtanding all theſe fair ſhews and ſpecious pretences, there is not a Man of tolerable judgment in* Europe, *who would venture his Reputation to plead for theſe* Antiquities.

But the learned Advocate *ſaith*, That their Antiquities have been received with great Applauſe for many hundreds of Years by all Hiſtorians, Antiquaries and Criticks of other Nations who had any occaſion to take notice of their Affairs. *Theſe are very high Expreſſions, and argue a good aſſurance in the very beginning of his Book. For my part, I do*

p. 2.

not

not pretend to a quaintance with all Historians, Antiquaries and Criticks for many hundreds of Years; *and so there may have been some, for any thing I know, who have applauded their Histories from* 330 *Years before Christ; but upon my little knowledge in Books, I dare venture to name him ten who have applauded the* Antiquities *of* Berosus *and* Manetho, *for one who hath allowed theirs. But such hath been my Misfortune that I have met with* Historians, Antiquaries *and* Criticks, *who have been far from applauding them; such a one was* * Ubbo Emmius, *who declares his Opinion freely,* " *That he could not allow any Certainty* " *in them, because they depend not upon any* ancient " Annals, *but* unwritten Traditions; *and he not* " *only speaks thus of the first Succession of Kings* " *from* Fergus I. *to the second, but from* Fergus II. " *to the destruction of the* Picts *by* Kenneth, *which* " *he reckons* Anno Dom. 829. *But another of the same Character, both an* Historian, Antiquary *and* Critick, viz. † M. Zuerius Boxhornius *hath passed a severe Censure upon them, for he saith,* Without doubt their Antiquities are Fabulous; and their pretended ancient Annals but lately made. *These may serve at present, to shew that all* Historians, Antiquaries *and* Criticks *have not so much applauded their* Antiquities.

* Hoc solum judicamus, quæ de Scotis & eorum Regibus ab anno 330 ante caput æræ Christianæ, cum Alexander Macedo rerum potiretur in Oriente usque ad Fergusium 2. Regem Scotiæ quadragesimum, cujus initium conjicitur à Scotis Scriptoribus in annum Christi 404. qui ejectos è Britannia Scotos dicitur reduxisse, non ex annalibus vetustis vetustos autores habentibus, sed ex ἀγράφοις traditionibus à recentoribus deprompta memorantur, ea nos pro certis habere non posse Scimus enim quam lubrico atque instabili fundamento nitantur. Quinimo ne ista quidem satis certa nobis videntur, quæ à Fergusii 2. initio, & Scotorum reditu in Britanniam in rebus Scoticis recitantur ad A. D. 829. quo Picti scribuntur in Britannia à Scotis esse deleti 6. scil. anno Kenethi 2. Regum hujus gentis, ut Traditiones habent LXIX. *Ubb. Em. Rer. Chronolog.* l. 5. p. 198.

† De primorum gentis regum initiis multa haud dubiè fabulosa habent Scotorum, quemadmodum & aliarum gentium postremis demum temporibus, compositi aut conficti Annales; itaque fabulosa, quæ & tempora ipsa quibus tribuuntur, falsi arguunt, missa facimus, neque pro nostro ea faciunt instituto. *Boxhorn. Hist. univers.* p. 878.

But this is not all, for the Advocate *saith,* They have done it for many hundreds of Years. *What! before they were known to the World? For* Hector Boethius *was the first Person who pretended to give such a clear Account of them after the Discovery of* Veremundus *and* Cornelius Hibernicus *at* Icolmkill; *and it is not many hundreds of Years since he wrote, his Book being first printed since the beginning of the sixteenth Century. And what account had they of their first* Antiquities *before?* Joh. Major *indeed was printed about five Years before him, by the same* Badius Ascensius, *and he was no great* Critick, *but a very Scholastick Historian, and a Man of great esteem in his time, as the Advocate confesseth; but he is so far from applauding the remote Antiquities of his own Country, that he calls* the Story of *Gathelos* and *Scota* and their coming out of *Greece* and *Egypt* a mere Figment, and invented only to match the *Britains*, who derived themselves from the *Trojans*, *and he condemns* their Annals about *Simon Brek; which shews what a regard he had to their Authority. And when he comes to* Fergus *he sets down* the old Verses *about the time of it; but seems to give very little credit to them; for he first mentions* Bede's *Account about* Reuda, *and then relates what their* Annals *say,* i. e. their old Verses (*for he quotes no other*) *and then saith this doth not contradict* Bede; *for saith he,* Regni debile fundamentum Fergusius jecit; he laid a very slender beginning of a Monarchy, *which was after inlarged by* Reuda, *whom he makes to be* Rether, *and therein contradicts* Hector's Veremundus *and the* Catalogues *of their Kings, according to which* Reuda *succeeds him. So that* these Antiquities *were so far from being universally received abroad that they went down very hardly at home. And this same Historical* School-man *expressly saith,* that *Fergus* had no other Right, but what the People gave him; and

Defence, &c. p. 37.

Joh. Major, Hist. Scot. l. 1. f. 17. c. 9.

c. 11.

l. 4 c. 17.

that

that it is in their Power to take it away; *which he not only asserts, but endeavours to prove in a* Scholastick *manner as far as* Septimò & Finialiter. *And is not this* a degree of Lese-Majesty *above the endeavouring to shorten* the Royal Line? *Surely they had far better deny any such Person as* Fergus, *than to make him a King upon such terms, which overthrow the* Monarchy.

But who are these foreign Historians, Antiquaries *and* Criticks, *who at any time have so much applauded these Antiquities?* Joseph Scaliger *did indeed applaud his own Wit for his Criticism about* Scoto-Brigantes *in* Seneca's *Verses. But what is this to* Fergus *his coming so soon into* Scotland? *For* Scaliger *himself there grants,* that these *Scoto-Brigantes* were still in *Ireland; and he believes* that *Claudius* did make an attempt upon them there, because *Juvenal* mentions the Coasts of *Juverna* as brought under the *Roman* Power. Scoti sunt in Hibernia adhuc, non in Britannia, *are* Scaliger's *own Words. And I wonder to see* Buchanan *labour so hard about this Passage, to so little purpose. But* the Advocate *saith,* that the same *Scaliger* in his Notes on *Eusebius,* hath a most learned and full Proof of their Antiquity, too learned to be answered by any Adversary. *What doth he mean by* their Antiquity? *That of* the Nation? *No one denies it. That of* their settlement *in* Scotland 330 Years before Christ? *That is to be proved, for* Scaliger *doth it not. He affirms,* "*That* "the Brigantes *were a People of* Ireland, *and that during the flourishing* "*of* the Roman Empire, *they made frequent Incursions into* Britain, *and* "*for proof he brings the Testimony of* Pausanias *about* Antoninus *his beating* the Brigantes *in* Britain; *and* the Inscriptions *in* Scotland, *wherein* "*mention is made of the* Leg. 2. *which signifie very little to this purpose. For why could not* the second Legion *fight against* the Brigantes, *supposing them to be* Britains, *as well as supposing them to be* Irish? *But* Scaliger's *Opinion was this,* "*The* Brigantes *and the* Britains *were two distinct Peo-* "*ple; while they continued at home, they were called by no other Name,* "*but when they made excursions abroad, then they were called* Scoto-bri- "gantes *and* Scoto-britanni; *and so the Word* Scot, *he saith, is not a* "*proper Name, but Appellative; and not* Irish *but* British, *for those who* "*go from home in hopes of Booty, as the Names of* Bedwin *and* Saracen; "*and so as the* Arabs *were after called* Saracens; *so these* Brigantes, *when* "*they so much infested* Britain *in* Claudian's *time, and after were called* "Scoti. *Now what there is in all this, that should so much please* the Advocate, *I cannot imagine. He is very angry with the Bishop of St.* Asaph *for representing their Ancestors as a company of* barbarous Pilferers and Robbers (*although he only produces the Testimony of* Gildas) *how then comes he to be so much pleased with* Scaliger, *who makes the Name* Scot *to signifie so much? I had thought he should have been more concerned to have disproved such a reproachful Etymology than to have magnified this Discourse of* Scaliger *so highly. But where is it that he mentions* the first Succession of their Kings *with approbation, or Fergus* his coming into *Scotland* before Christ's Nativity? *All that he saith is, That the* Scots "*might be a Nation before they were known by that Name,* (*and who doubts it*) "*as the* Burgundians *and* Lombards *were; and that the* Bri- "gantes *out of* Ireland *might make inroads and excursions into* Bri- "tain *in the flourishing times of the Empire. And I see no reason to deny this, although it be not sufficiently proved. But the question is about a standing* Monarchy *in* Scotland *from the time of* Fergus I. *and of this* Scaliger *saith not a Word. For these* Brigantes *coming out of* Ire-

Scalig. in *Tibull.* l. 4.

Buch. l. 2. p. 22. 2. Defence of the Antiquity, &c. p. 80.

Scalig. in *Euseb.* n. 2060.

Pausan. in *Arcad.*

Defence, &c. p. 104, 106, 108.

land, *might fix there for some time, and return again to* Ireland, *as* Gildas *saith they did afterwards, or they might fix as a scatter'd People not united under a* Monarchy, *as* Fordon *saith, they did before* Fergus *his coming. So that if their* Antiquities *be no more applauded by other* Antiquaries *and* Criticks *than they are by* Scaliger, *this Argument will come to very little.*

Defence, &c. p. 126. *And yet* Salmasius *and the rest he mentions, say much less than* Scaliger; Salmasius *only useth* Scaliger's *Criticism about the* Scoto-Brigantes *without adding any thing.* Lipsius *unhappily calls* Galgacus *a* Scot; *which was an improper expression, as I have proved in the proper place; because it is so evident from* Tacitus, *that the* Caledonians *were not* Scots; *unless it be taken for* Scythians, (*of which afterwards*) *but by* Scots *here we mean such as came out of* Ireland *to settle in* Britain; *and such* Galgacus *and his Soldiers were not. And the like impropriety* Bergier, *though a* learned Antiquary, *fell into, when he interprets the* Caledonians *by* Scots; *but such as* Dempster *is frequently guilty of, when he calls the* Britains English, *because the* English *dwelt in* Britain *afterwards. But improper Expressions, where they fall from learned Men by chance, ought rather to be passed over with silence than made use of as Arguments; unless those who use them go about to prove what is implied in them.* Sigonius *his Name stands among the rest, being indeed a* learned Historian, Antiquary *and* Critick; *but not one Word can I find produced out of him in his whole Book. What* Baronius *saith relates* to the Conversion of the Scotish Nation, *and not to these* Antiquities; *of which I have treated at large in the following Book.* Andr. Favin *and* P. Æmilius *speak only of* an Alliance between *Achaius* King of the *Scots* and *Charles* the Great; *and what is this to* Fergus *and the* Succession of Kings for 330 Years before Christ's Nativity? *Which he saith in the beginning* was applauded by all Historians, Antiquaries *and* Criticks, *and as though this were not extravagant enough, he saith afterwards,* that *Baronius, Scaliger, Salmasius, Lipsius, Sigonius, Favin* and others of the first Rank (too many to be named) have passionately defended their Antiquity, and not only sustained but praised their Histories. *Whereas not one of these produced by him speaks any thing to the matter in question. But we hope to see these things better cleared in the* third Part *of Sir* R. Sibbald's Scotia Antiqua, *where he has promised to give a particular account of the State of the* Scots *in* Britain *before they had Kings, then under Kings from* Fergus I. *to* Fergus II. *and from thence to* Malcolm Canmore. *If he doth clear these Parts of their* Antiquities, *he will do a great thing; and for my part, I shall be as willing to believe* Fergus *to have come into* Britain *in the time of* Alexander *as any time after, provided there be sufficient Evidence to prove it; which must be somewhat more convincing than his* Majesty's Advocate *hath been pleased to make use of; but I remember* Scaliger's *Censure of* Claudian, addit de ingenio quantum deest materiæ.

Defence, &c. p. 107. 1108.

p. 2. 10.

p. 126.

Therefore from the Testimony of Historians, Antiquaries *and* Criticks, *I proceed to examine the Argumentative part of his Book; and setting aside all* common Places *about* Historical Certainty, Tradition, common Fame, *&c. I shall keep close to the Point before us, and examine the force and strength of his Reasoning, which consists in these things.*

p. 6. (1.) That upon the same Reason we question their Antiquities, we may call in question the *Roman, Jewish, Greek, French, Spanish* Antiquities, all which depended upon Tradition without Records for a long time.

This

This is indeed a material Objection; for we ought not to give a partial Assent to some Antiquities, *and deny it to others, if there be the same ground either to give or deny Assent to all. But this must be examined.*

(1.) *As to the* Roman *Antiquities, he cites a passage in* Livy, *in which he saith,* that the use of Letters was not then ordinary; the only certain preserver of the memory of things past (*so* Livy*'s Words are to be understood,* raræ per ea tempora Literæ, una custodia fidelis memoriæ rerum gestarum, *and not as* the Advocate *with too much art, hath translated them,* that the best Records were the faithful Remembrance of things past. *For if this were* Livy*'s meaning why doth he complain of the want of* the common use of Letters, *when he saith,* Tradition is the best way to preserve the memory of things? *Which is to make* Livy *speak inconsequently.*) *But he goes on, saying,* that what Memorials were left by the High Priests, or were in publick or private hands were most part destroyed in the burning of the Town. *He doth not say* all were lost, *but* the most part. *This* Livy *alledgeth to excuse the shortness and obscurity of his first Books for want of sufficient Records; and he speaks like a very judicious Historian in it. And when he gives an Account of the remote* Antiquities *of* Rome, *he is far from confident asserting them; but he speaks with great Modesty and Discretion about them; saying,* "*That* "*he would neither affirm nor deny them; being rather built on Poetical* "*Fables than any certain Monuments of Affairs at that time, that an al-* "*lowance must be made to* Antiquity; *which was wont* consecrare Origines suas, *to make their beginnings as sacred and venerable as they could.* "*But as to such things he would be no* Advocate *either for or against them. Then he proceeds to deliver* the common Tradition *about* Æneas *his coming into* Italy, *and* Ascanius *succeeding him; but he cannot tell whether* Ascanius *the Son of* Creusa, *or another the Son of* Lavinia; quis enim rem tam veterem pro certo affirmet? *Who can be certain in such remote* Antiquities? *And yet at that time it was thought a great disparagement to* the Royal Line, *to have it question'd whether it were the elder* Ascanius, *because the* Julian Family, *as* Livy *there saith, derived themselves from him who was called* Iulus. *It is true,* Livy *after this, relates the* Roman Antiquities *down to the burning of the City, when so many Records were lost; but we are to consider, that the* Romans *had certain* Annals *before that time, and that some of them were preserved, That they had* Annals both publick and private *appears by* Livy*'s own Words, who mentions both the* Commentarii Pontificum *and the* publica & privata monumenta; *and* Cicero *affirms, that the* Romans *from the beginning had* Annals *made up by the* Pontifex Maximus *of the transactions of every Year; and these were publickly exposed in a Table in his House that the People might be satisfied about them; and these he saith were called* Annales Maximi; *which he adds were continued down to the time of* Mucius Scævola, *who was* Pontifex Maximus *about* A. U. C. 623. *These, as* Servius *saith, were after made up into* 80 great Books, *and were the standing Monuments of their* Antiquities. *And it is observable that the Author of the Book* de origine Gentis Romanæ, *as* Vossius *and others take notice, inserts several things as taken out of the* Pontifical Annals *which hapned before the building of* Rome; *from whence they do justly infer, that matters of more remote* Antiquity *were put into them, whether by the first* Pontifex Max. *in* Numa*'s time or after it is impossible now to determine. It seems at first the People were not permitted to view these* Annals, *as* Canuleius *in* Livy *complains; but afterwards they were exposed to all. And it appears*

Liv. l. 6. init.

De Orat. l. 2. c. 12.

Serv. in Virg. Æn. l. 1. v. 377.

Voss. de Hist. Lat. l. 1. c. 1.

Liv. l. 4. c. 3.

by

c. 7. *by* Licinius Macer *in* Livy, *that the* Libri Lintei (*which ſeem to have been*
c. 20. *for the ſame purpoſe with the* Annales Maximi, *but compoſed by the Magiſtrates*) *were preſerved in* Æde Monetæ, *and in them the Names of the Magiſtrates were inſerted*; *and in the ſame place* Livy *takes notice of the* Annales priſci, *and the* Libri Magiſtratuum *for determining a Point about the Conſuls of a Year long before the burning of* Rome; *which ſhews that* Livy *did not think all their Records then deſtroyed. And afterwards*
c. 20. *he ſaith in the ſame Book, diſputing about another Conſul, that* Auguſtus *rebuilding the Temple of* Jupiter Feretrius, *found there* in thorace linteo *the name of that Conſul. So that the* Romans *had not only the* Pontifical Annals *but* Civil *too, being made up by the Magiſtrates, and therefore called* Libri Magiſtratuum *by* Livy, *which he diſtinguiſhes from the* Annales
In Bruto, c. 16. Priſci. *And beſides theſe* Livy *mentions* private Records *among them*; *of which* Cicero *ſpeaks, which belonged to* particular Families: *and there is no probability theſe ſhould be all loſt in the burning of the City*; *for the* Capitol *was not burnt, in which probably after the* Romans *found the* Gauls *coming upon them, they preſerved their* ancient Annals. *And it is conſi-*
Dionyſ Antiq. Rom. l. 1. *derable, that* Dionyſius Halicarnaſſæus *quotes a paſſage of* Antiochus Syracuſanus, (*who lived before the burning of* Rome, *and wrote concerning the affairs of* Italy) *wherein he ſaith,* that he took his Hiſtory out of ancient and undoubted Records; *which ſhews that there were certain* written Annals *both at* Rome *and in other* Cities *of* Italy *very early*; *and*
l. 2. *the ſame* Dionyſius *quotes the* Domeſtick Annals of the *Sabins*, and *Fe-*
Feſt. v. Roma. *ſtus* the Hiſtory of *Cuma. So that the* Roman Hiſtories *were built on better foundation than the very uncertain* Tradition *of the* Natives; *which*
p. 7. the Advocate *is pleaſed to make* the ſureſt Foundation of all Hiſtories; *but I am ſo much of another Opinion, that I think it* (*ſince the ſhortening of Mens Lives*) *the certain foundation of none. Let now* the Reader *judge whether the caſe of* the Antiquities *in diſpute be the ſame with that of the* Romans; *for here are no* ancient Annals *pretended near the time of* Fergus I. *nor in the time of any King of the firſt Race*; *no nor from* Fergus II. *till after the Deſtruction of the* Picts; *nor any* Record *yet produced for a long time after that*; *how then can any Perſons pretend that if we reject* their Antiquities *we muſt reject the* Roman?

But this is not all, for he goes higher, and ſaith the ſame Objections will lie,
p. 6. (2.) *Againſt the* Jewiſh Antiquities. *For ſaith he,* the *Jewiſh* Hiſtory had no hiſtorical Warrant for the firſt 2000 Years but Tradition, and after that time their Tranſactions were mentioned in very few foreign Hiſtories; and Annals of their own Prieſts were thought good Hiſtorical Foundations in the Opinion of *Joſephus* even for the Sacred Hiſtory. *And not long after he ſaith,* that the *Jewiſh* Hiſtory was challenged
p. 9. by *Appion* upon the ſame ground that theirs is now quarrell'd by the Bi-
p. 132. ſhop of St. *Aſaph. This looks ſomewhat ſtrange among us, for* the Antiquities *of any particular Nation ſo far ſhort of the* Jewiſh, *to be parallell'd with them in point of* Credibility; *ſince the Records of Scripture are own'd to be divine and ſacred, and not merely built on the authority of* Tradition, *or the* Annals *of the* Jewiſh Prieſts. *Whatever* Joſephus *or other* Jews *might ſay in defence of* their Antiquities *againſt the* Greeks, *we that own our ſelves to be* Chriſtians *ought to look on* Moſes *and* the Prophets *under a higher Character. I know a late* Critick *in great Vogue among ſome, hath endeavoured to reduce the* Sacred Hiſtory *to* the Authority *of* the ancient Annals of the *Jews, but withall adding* that we have only ſome imperfect Abridgments of them, *much like that which the* Rector of Ranfrew

made

made of the Book of *Paſley, which* the Advocate *ſaw in Sir* R. Sibbald's *Library. A Doctrine ſo unreaſonable and miſchievous in the Conſequences of it, that I wonder it hath hitherto paſſed ſo eaſily through ſo many hands. But this is not my preſent buſineſs. I am now only to ſhew the vaſt diſparity of* theſe Antiquities *in queſtion, and thoſe of the* Jews. *It's very true that* Appion *did object againſt them, becauſe* the Greek Writers *took ſo little notice of them. But how doth* Joſephus *anſwer him? He ſhews,* " *That* " *the* Greeks *were very late* Writers of Hiſtory, *and therefore* incompetent " Judges *of matters of ſo great* Antiquity; *and he proves that the more an-* " *cient Nations as the* Egyptians, Chaldeans, Phœnicians *had a moſt* " *laſting way of preſerving* their Hiſtories, *for they had* publick Annals " *made by their wiſeſt Men, and kept in ſacred Places, but the* Greeks " *were very defective in thoſe things; having no publick Writings in their* " *Temples or elſewhere; and that they had not the uſe of* Letters *in the* " *time of the* Trojan *War; and their firſt Hiſtorians were little elder than* " *the* Perſians *War againſt the* Greeks. *And this reaſon he gives of the* " *diſſonancy of the* Greek *Hiſtorians, becauſe they had no publick* Annals, " *which would have prevented Errors, and kept Men from a power of de-* " *ceiving. But great care, he ſaith, from the moſt ancient times was ta-* " *ken of ſuch things among* the Egyptians *and* Babylonians. *And for* " their Anceſtors, *he ſaith they* exceeded *all others in their exactneſs this* " *way, committing the care of theſe things to* their High Prieſts *and* Pro- " phets. *But the* authority of Writing *was not allow'd promiſcuouſly to* " *all, but certain* Prophets *were pitched upon who wrote the moſt remote* " Antiquities *by divine* Inſpiration, *and* the matters *in their own times* " *plainly and according to Truth; and therefore, ſaith he, we have no* " *ſuch multitude of Books differing from each other, as the* Greeks *have,* " *but only* 22, *containing on* Account *of all times paſt,* written *with great* " Fidelity *and* Authority. *Afterwards* their Annals *were continued, but* " *not with equal* Authority, *the Succeſſion of* their Prophets *failing. And* " *to ſhew of how great* credit theſe Books (*of the firſt ſort*) *are among us;* " *in ſo long time, ſaith he, no Man hath dared either to add, or to take a-* " *way, or to tranſpoſe any thing. Which is utterly inconſiſtent with the* Principles *of* the late Critick; *for without a liberty of abridging and tranſpoſing, and inſerting his new* Inventions *come to nothing. But as to the ſilence of other* Nations *about them, he ſhews,* " *That they were a People who lived* " *in a great* Retirement, *that the* Romans *themſelves were a conſiderable* " People *before the* Greeks *knew them; and after all he ſhews they were* " *known to the* Egyptians, Babylonians *and* Greeks, *which he proves from* " *many particular Teſtimonies. Now what is there parallel to theſe things in the preſent caſe? Have they produced any ſuch publick and ſacred* Annals, *written and preſerved with ſo much care, as the ancient* Jews *had? Have they had a Succeſſion of* Prophets *among them whoſe Books are preſerved to this day with great Veneration without addition or diminuetion? What mean then ſuch ſtrange Compariſons? Can they produce any one Author contemporary with* Fergus I. *and his Succeſſors, who mention that Succeſſion? As* Joſephus *brings the* Egyptian, Phœnician, Chaldean *Writers to atteſt the Story of the Scripture.* p. 32, 33.

(3.) *As to* the Greek Antiquities, *he ſaith,* the *Greeks* could have no Records for many hundreds of Years before they wrote. *And what follows, but that therefore there is great uncertainty in the* Antiquities *of* Greece *till that time? For which reaſon* Varro, *that great and judicious* Antiquary *rejected two Parts in three, of the Times of the* Greeks; the one p. 7. Cenſor. de die Natali, c. 21.

one he said was wholly in the dark for want of Records, and the other Fabulous; *because, as* Josephus *observes*, they had no publick Annals, *but their first* Writers were Poets, *who minded to write rather things entertaining than true. But we are of late told*, that this saying of *Varro* might hold as to the *Greek* Antiquities; but it is unjustly applied by *Camden* to the Antiquities of other Nations; for the utmost Eastern Nations the *Chineses*, and the utmost Western, the *Irish* have preserved their Antiquities far beyond the time which *Varro* allows for true History. *I grant* Varro *intended this chiefly for the* Greeks, *who made the greatest noise with their* Antiquities *then; and yet* Varro *himself, as St.* Augustine *tells us, began his account of the* Roman Antiquities, *with* the Succession of the *Sicyonian* and *Athenian* Kings; *not as though he would deliver it for certain Historical Truth, but as the most common received Opinion. And in the* Fabulous Times, *he might endeavour to pick out what* Antiquities *he thought came nearest to History. As to the* Chineses, *they are very remote from us, and we have had different accounts of them, as appears by comparing* Gonsales Mendoza *and* Martinius *together; and of their* Antiquities *as delivered by the former, a learned Man hath said*, that they seem to him like *Manetho's Egyptian* Dynasties. *However* Scaliger *thought fit to insert the Succession of their Kings in his* Chronological Canons, *and makes the beginning of that Empire coincident with the end of the thirteenth* Egyptian Dynasty; *but in his Notes upon it, he complains of the want of farther information about them. Which the World hath since in great measure received by* Martinius, *both in his description of the Countrey, and the* first Decad *of the* History *from the beginning of the Empire to the Nativity of Christ. But their way of preserving* Antiquities *was peculiar to themselves, and therefore these cannot very well be made a Parallel for the* Scotish *or* Irish Antiquities. Martinius *hath indeed given a very plausible account of the remote* Antiquities *of* China, *but in such a manner, as shews that even the* Chineses *had a* dark and fabulous time *as well as the* Greeks, *and he tells us*, that themselves acknowledge that before the Reign of *Fohius* they have no certain account of things because then they had no use of Letters; *but afterwards, they look upon the Succession of their Kings as delivered down to them with great Fidelity. But there are two things this certainty of their History depended upon.* (1.) *A fixed Rule for the computation of Times, without which it is impossible any Nation should have an exact account of the ancient Succession of their Kings. And herein lay the great accuracy of the* Chineses *that they were very early given to the finding out the best methods for Calculation; and they used a Cycle of* 60 *Years,* 2670 *Years before Christ's Nativity; and therefore* Martinius *magnifies the* Chineses, *especially for* their Skill and Exactness in the Succession of their Princes; *which it is impossible to give a certain account of without a fixed measure of time; and therefore it hath been so often said*, that the *Greeks* had no certain History before the Olympiads. (2.) *The* Chineses *did not suffer any Persons to write History that would, but some of great Reputation were appointed after the Emperor's decease to write his Life; which being approved, was allowed as the only authentick History of him, and these being put together made up their* publick Annals, *which are preserved to this day. For, notwithstanding the Persecution of their Histories in the time of* Chingus, *who endeavoured to suppress them, that he might be thought the Founder of the Empire; yet his Son opposing his design, and many learned Men being banished upon it, there were means used to preserve their* Annals; *but* Semedo *saith,*

Preface to the Prospect of *Ireland.*

Aug. de Civit. Dei, l. 18. c. 2.

Mend za de Reg. Chinæ. l. 3. c. 1.

Ubb. Em. Rer. Chronol. l. 5. p. 214

Scalig. Canon Isagog. l. 2. p. 158.

Martin. Sinic. Hist. l. 1. p. 12. 20.

Martin. Sinic. Hist l. 6. p. 241

ſaith, they could never recover a perfect Account of the firſt beginning of that famous Empire. Semedo Part I. ch. 22.

Now before any other Nation can preſume to vye with the exactneſs of the Chineſes *in their* Antiquities, *they muſt firſt ſhew us what means they had for the computation of times, by which we may judge of their* Antiquity *and Succeſſion of their Kings; and next they muſt give an equal Account of the Care taken time enough to preſerve their Hiſtory of* publick Annals, *as the* Eaſtern People *and the* Romans *did.*

For inſtance, we are told from a late Iriſh *Antiquary* Geoffrey Keting, *that the Poſterity of* Gathelos *and* Scota, *or the* Mileſian Race *ſettled in* Ireland, A. M. 2736. *after the Flood* 1086. *after* Moſes *paſſing the Red Sea* 192. *before* Chriſt's Nativity 1308. *from whence* the Antiquity of the *Iriſh* Nation, is ſaid not be parallell'd, unleſs by the *Chineſes* only. Proſpect of *Ireland* by *P. W.* p. 6. p. 15.

Here is a pretence to very great Antiquity, *and an appearance of exact* Calculation; *but I only ask by what* Cycles *the* Iriſh *proceeded when they began; how they could adjuſt the time ſo well to the Age of the World; or what other certain way they had which might be reduced to it. If they had none, all this might be only Fancy and Opinion, unleſs there were ſome Characters of Time fixed, and certain by Eclipſes and Aſtronomical Obſervations, or certain Periods of time, or coincident paſſages, which might connect the Year of their deſcent into* Ireland, *with ſuch a Year of the World, or after the Flood. If nothing of this kind be produced, we muſt be excuſed if we do not yet think the* Iriſh Antiquities *parallel to thoſe of* China. *For if there be no ſuch* Characters *of Time which may direct us in comparing one thing with another, it is poſſible that there may be one or two thouſand Years difference in the Computation, and yet neither able to confute the other. For ſuppoſe I ſhould ſay, that the Poſterity of* Gathelos *came into* Ireland *juſt* 308 *Years before* Chriſt's Nativity, *here is* 1000 *Years difference.* That is a ſmall matter, *you will ſay,* in ſo great Antiquity; *but as ſmall as it is, ſome account ought to be given of* a thouſand Years. *Now I deſire to have ſome evident proof brought me of ſome Event in the World which happened* 1308 *Years before* Chriſt's Nativity, *to which the* Iriſh *deſcent muſt be coincident. To make this more plain by Example, ſuppoſe the Queſtion be in what Age of the World the* Peloponneſian *War began; we ſhould by no means think it ſufficient for any Man preſently to ſet down, it was ſuch a Year of the World, ſuch a Year from the Flood, ſo long before Chriſt; but we demand ſome certain* Character *of this time,* i. e. *ſuch which agrees to that and to no other; and here, whoſoever intends to give ſatisfaction, will ſearch* Thucydides, Diodorus *and* Ptolemy *to find out ſome undoubted Character; as that* Thucydides *ſaith, that* Pythodorus *was then* Archon *at* Athens, *and it was the Year of the* Olympick Solemnities. Diodorus *ſaith, this was the* 87 Olympiad, *and that* Apſeudes *was* Archon *the Year before;* Ptolemy *ſaith he was* Archon *in the Year of* Nabonaſſar 316. *So by comparing the* Olympiads *and the Years of* Nabonaſſar *with the Years of the World, we may come to a certainty in this* matter. *And beſides* Thucydides *mentions a great Eclipſe the firſt Year of the War, which the* Aſtronomers *ſay, was* 317 *of* Nabonaſſar, *when* Euthydemus *ſucceeded* Pythodorus *at* Athens. *Such a method of proceeding by certain* Characters *of time, is a way to convince reaſonable Men; but without any of theſe to think to impoſe upon Mankind, under a pretence of exact Calculation, argues too great preſumption upon the Credulity of Mankind. Thus as to the coming of* Fergus I. *into* Scotland *juſt* 330 Years before Chriſt, *which* the Advocate *ſaith* all their

their Hiſtorians affirm; *let them produce any one certain Character of that time out of ſuch* Annals *as were written within the compaſs of knowing the Truth of it, and we will never diſpute this matter more.*

But to proceed,

p. 7. (4.) *As to the* French Antiquities; *which the* Advocate *ſaith*, may be more juſtly queſtioned on theſe Grounds than theirs, *we only deſire them to be as ingenuous as the late learned* Writers *of* their Antiquities *have been, who reject all before the* Merovingian Race, *as either Fabulous, or ſo doubtful and uncertain, that they make no Account of it, unleſs it be what they find in the* Roman Authors *concerning the* Franks, *as may be ſeen in* Hadrianus Valeſius, *a learned* Hiſtorian, Antiquary *and* Critick.

Rer. Francic. To. 1.

(5.) *As to the* Spaniſh, *which are joined with the* French; *what relates to* their Antiquities *before* the Romans War *in* Spain, *we grant to be parallel with theirs. For although* Strabo *ſaith*, they had the uſe of Letters, and had ſome Records of ancient times among them; *yet they are utterly loſt. And although* Reineſius de Deo Endovellico *ſeems to think, that* Annius *had ſome Fragments of thoſe* Antiquities *which he mixed with his own* Inventions, *yet I can ſee no reaſon for it; becauſe he would then have alledged the old* Spaniſh Records, *and not have fathered his* Antiquities *on Perſons ſo remote as* Beroſus *and* Manetho.

Strab. Geogr. l. 3. p. 96.

But if they had the uſe of Letters and Records among them, might not the *Iriſh* and *Scotiſh* derive both from them? *I anſwer, That the coming of the* Iriſh *immediately from* Spain *and not from* Britain *is not ſo evidently proved that any thing can be built upon it.* Camden *and Sir* James Ware *two learned* Antiquaries *both think* Ireland *firſt peopled from* Britain; *and* Camden *offers good Reaſons for his Aſſertion,* " *as the a-* " *greement of* the Britiſh *and* Iriſh *Languages in very many Words*; the " ſimilitude *of Cuſtoms and Manners*; *it's being anciently called* the leſſer " Britain, *and* the Inhabitants Britains; *the conveniency of paſſage from* " Britain *thither*; *which ſeem to be of far* greater moment *than any thing brought to prove* the Legend *of* Gathelos *and* Scota *and* their Poſterity *coming out of* Spain. *But becauſe* this Opinion *doth not ſeem to give any* account *of the* Scoti *in* Ireland (*from whence they certainly went into* Scotland, *as is now confeſſed on all hands*) *therefore I ſhall endeavour to clear* this Matter, *by propoſing what ſeems moſt probable to me concerning the firſt Peopling of* theſe Iſlands.

Camd. Brit. p. 728. *Antiq. Hibern.* c. 2. p. 11.

We are then to conſider, that the moſt ancient Geographers, *as* Strabo *obſerves out of* Ephorus, *divided* the then known World into four Parts, *the Eaſtern they called* India, *the Southern* Æthiopia, *the Weſtern* Celtia, *and the Northern* Scythia. *And in* the European Parts *they knew but of* two Nations *beſide the* Greeks, *and thoſe are the* Celtæ *and the* Scythæ. Thoſe that inhabited Northward, *ſaith* Strabo, were called *Scythæ*, and thoſe to the Weſt *Celtæ*; *who were likewiſe called* Iberi *and* Celtiberi, *as he affirms*; *and theſe peopled* Spain *and* Gaul, *and from thence ſpread into* the Neighbour Countries; *and among the reſt came over into* Britain: *Which in the Book* de Mundo *commonly* attributed to Ariſtotle, *but by* Buchanan *to* Theophraſtus, *is ſaid*, together with *Ireland*, (*which are both there called* the Britiſh Iſlands) to be ſituate in the Ocean, not far from the *Scythæ* and the *Celtæ*. *But* the latter *were ſo much nearer in* Gaul, *that it is very reaſonable to believe* the firſt Habitation here *was by the* Celtæ, *who came from thence. And* Tacitus *truly obſerves*, the

Arab. Geogr. l. 1. p. 23.

Strab. l. 1. p. 22.

Vit. Agric.

the agreement was so very great between the *Gauls* and the old *Britains*, that although he suspected the *Silures* might come immediately from *Spain*, (*or rather from the* Iberi, *which* Strabo *saith was a more general Name, and some of these went into* Ireland) yet upon the whole matter, he concluded all the Southern Parts of *Britain* to have been peopled immediately from *Gaul*. *But as to the* Caledonians *he affirms them to have been of a* German Extraction: i. e. *taking* Germany *in* the extent *he took it in, which went as far as* Sarmatia, *and took in* Scandinavia; *from whence in probability* the Northern Parts *of* Britain, *were first peopled. It is true that* Tacitus *calls them* Britains *as well as the* Celtæ; *and however they were* united in Interest *against the* Romans, *as* Galgacus *shews in his* excellent Speech *to them, yet* Tacitus, *we see, makes them of a* different Extraction. *And these were originally from the* European Scythæ, *or from* Scandinavia, *which was abundantly peopled, and supplied other Countries, as* Jornandes *saith; and that they were provided of Shipping very early, I have proved in* the following Book, *where I speak of the* Original *of* the Picts. *And besides what is there said to shew that those who dwell in* those Northern Parts, *were then called* Scythians, Scymnus Chius *lately published out of* Holstenius *his Papers, affirms,* that the *Scythians* extended from the *Palus Mæotis* to Countries wholly unknow to the *Greeks. For being tempted by* the Rivers, *as* Olaus Rudbeck *conjectures, having no Skill in* Navigation *or* Astronomy, *and* the Woods *in the first Ages of the World being unpassable, the People still went farther and farther by* the Rivers side, *till at last finding themselves bounded by the vast* Mountains *in* those Northern Parts *and the Sea beyond them, they sat down there, and in time so replenished* those Parts, *that they were willing to discharge themselves by sending Colonies abroad. To which end they accustomed themselves to the Sea, and so from thence these* Scythians *came into* the Northern Parts *of* Britain, *where they had the Name of* Caledonians; *and upon new Supplies coming after* the Romans *had subdued* the Southern Parts *of* Britain, *were then called* Picts. *But of these things afterwards. That which I now design, is to shew that some of these* Scythæ *being encouraged by* the Adventures *of others, who had* settled *in* Britain, *passed by* the Northern Islands *and went into* Ireland; *and so the* Celtæ *from* Britain, *who were called* Iberi *in* Strabo, *and these* Scythæ *met there as they did in* Britain. *But* Britain *still retained its Name; and therefore to distinguish themselves from those who remained there, their Countrey was called* Ibernia *from the* Iberi, *and* Scotia *from these* Scythæ; *for saith* Walsingham, Scythæ, Scythici, Scoti, Scotici *are all one; which he took from* Radulphus de Diceto, Imag. Histor. ad A. 1185. *and* Nennius *expressly calls them* Scythæ, *and* Gildas *the* Irish Sea, Vallem Scythicam; *and* Alfred *in* the English Translation *of* Orosius *calls the* Scots Scyttan; *and the* Germans *both* Scythians *and* Scots Scutten, *and the old* Britains Yscot, *as* Cambden *hath already observed.*

Jornand. de Rebus. Get. l. 1. c. 4.

Holsten. Not. in Steph de Urbibus, p. 378. Atlantic. c. 3. §. 10.

Walsingh. in Hypodigm. Neustriæ.

Britan. p. 86.

And it is considerable that a late Irish Antiquary *tells us that a part of their Countrey in their own Language is called* Gæthluighe, i. e. Gothland, *from the* Goths *or* Scythians *who took possession of it. He rather thinks the* Getuli *a People of* Africa *gave the Name; but of their coming into* Ireland *there is no probability. And in the same place he saith,* that *Lamfinnus* was the first who brought a Colony thither out of *Scythia; which he proves out of one of their most ancient* Monuments. *And* Colganus *observes on the Life of St.* Cadroe, that whereas they are said to be derived from *Scota* who is said to be *Pharaoh's* Daughter, the true Name,

Flaherty Ogygi, p. 67.

Acta Sanct. Hib. Mart. 6. p. 502. n. 40.

he saith, was *Scytha*; and that Name was given her because her Husband came from *Scythia*. *And the same* Antiquary *confesses*, that it appears by all their ancient Records, that they had their original from the *Scythians*, *and* Keting *himself he saith at last yields it*, *and* that the Name of *Scota* was given because the *Milesian* Race came out of *Scythia*.

Ogyg. p. 350.

And to confirm the Peopling of Ireland *from* Britain *and* Scandinavia, *we are to observe that the* Irish Antiquaries *from their best Records do speak of two great Colonies which came thither from* Britain, *the one of the* Belgæ, *of which* Slangius *or* Slanius *was the Head*, *who was the first* Monarch *of* Ireland; *wherein* Giraldus Cambrensis *is confessed to agree with* their own Antiquities; *and another of the* Dannanæ *from the Northern Parts of* Britain *under* Nuadus. *But besides both these*, *and long after them they place the Dynasty of the* Scots *or* Scythians *under* Herimon; *and the* Psaltir Na-rann, *a Book of great* Authority *among them*, *saith*, that *Herimon* was the first King of the *Scots* in *Ireland*. And in his time, *they say*, the *Picts* follow'd them thither. *But that seems to be too soon. However that they came from the same* Parts *will appear very probable from what* Bede *speaks of* the *Picts* coming from *Scythia* (*i. e. Scandinavia*) in their long Boats, and being carried by Tempest to the Northern Parts of *Ireland*, *he saith*, they there found *gentem Scotorum*, i. e. *their Countreymen the* Scythians; and they would fain have settled there with them. *And when they came to* treat, *we find no difficulty as to their understanding one another*, *which there would have been*, *if the* Scots *had come out of* Spain, *and the* Picts *out of* Scandinavia. *I know* Bede *there makes the* Picts *and* Scots *Languages to be different*; *but so they might be in continuance of time*, *although at first of the same Original*; *as appears by the several Languages now in* Europe, *derived from the Original* Gothick *or* Scythick Tongue, *which is Mother to most of them*; *only the* Celtick *and* Latin *being mixed with it. But to return to* Bede, *he saith*, the *Scots* persuaded the *Picts* to go to *Britain*, and take Possession of the Northern Parts, as the *Britains* had done of the Southern. *After this* they obtained Wives from the *Scots* in *Ireland*; *which shews familiarity and mutual confidence* (*as being of the same extraction*) *and the* Picts *engaged that in a disputable Case*, *the* Scotish Line should be preferr'd to their own. In process of time, *saith* Bede, some of the *Scots* themselves, hearing of the Goodness of the Western parts of *Scotland*, went thither under the Conduct of *Reuda*, and either by Force or Friendship took possession of them; and from thence they were called *Dalreudini*, from this *Reuda* and *Daal* which signifies a share or portion. *This is all the Account* Bede *gives of this matter*; *wherein there is not a Word of* Gathelos *and* Scota, *or of* Fergus *his coming in the time of* Alexander, *or any time after. And it is somewhat strange*, *that such a Man as* Bede, *so inquisitive into these* matters, *so well acquainted with the Story of* Icolmkill, *or of the Monks of* Hy *or* Jona, *should say nothing of all this. For he seems to have concealed nothing he knew or had heard of*; *and stuffs out his Books with some not very probable Relations. And therefore it is not likely he would have omitted the former Stories if he had heard of them.*

Ogyg. p. 171. c 8, 9. part 3. Cambrens. Evers. c. 8. p. 57. Ogyg. part. 3. c. 10. Part 2. p. 85, 86. War. Antiq. Hibern. c. 2. Bed l. 1. c. 1.

p. 13. (2.) *The second Argument of any seeming force in the* Advocate's Discourse *is*, " *That their Histories were first transmitted to Posterity by the* " Druids *in Verses*; *and it is probable some of these* Druids *being con-* " *verted*, *became their* first Monks, *and so it was easie for them to inform* " their Monasteries, *and that the* Monks *at* Jona *or* Icolmkill *kept the* " *Records there from the foundation of the Monastery about* A. D. 560.

" *where*

" *where their Kings were buried until the Reign of* Malcolm Can more ;
" *that they had* Annals *in other Monaſteries, as at* Scoon, Paſlay, Plu-
" ſcardin *and* Lindesfern, Abercorn *and* Melroſs ; *and that they had* p. 24.
" Hiſtorians *who compiled Hiſtories from them ; among whom he reckons* p. 25.
" *as the moſt ancient* Veremundus *a* Spaniard, A. D. 1076. *who dedica-*
" *ted his Hiſtory to* Malcolm Can-more ; *and* Joh. Campbell, Turgott
" *and* Alredus Rivallenſis, *who wrote of their Affairs before* Fordon. p. 29.
" *And he goes about to prove* Veremundus *could not be counterfeited by*
" Hector Boethius, *becauſe he is cited by* Balæus, Holinſhed, Geſner,
" Chambers ; *and becauſe* Hector *gives an account* to James V. that he
" was ſent him from *Icolmkill. Which is the ſubſtance of what he ſaith*
about their old Hiſtories before Fordon.

To which I anſwer,

(1.) *That here we have a very formal* Pedigree *of* Hiſtorians, *which might with equal probability have been carried back to* Gathelos *his firſt coming out of* Egypt. *For it is very hard to ſuppoſe ſo great a Prince, and Son to a King of* Athens, *ſhould be without his* Druids, *or* Sanachies, *or* Bards, *who would tranſmit to Poſterity his famous Actions ; and therefore I cannot but wonder, that the learned* Advocate *ſhould ſeem to ſtick at* their ancient Origination and Deſcent ; *and be ſo unwilling to go any farther* p. 15. *back than* their firſt Settlement in *Scotland. For no doubt the Hiſtory of* Gathelos *and* Scota *were tranſmitted to* Poſterity *the very ſame way that the other was ; and the ſame Arguments will indifferently ſerve for both. Nay, why ſhould the* Britiſh *Hiſtory be queſtioned ? ſince no doubt the* Britains *had* Druids, Sanachies *and* Bards, *as well as the* Scots *or* Iriſh. *And yet the* Advocate *will by no means allow the* Britiſh Antiquities, *although they pretend to the very ſame Grounds which he makes uſe of to ſupport the* Scotiſh. *If the* Druids *were good Hiſtorians in* Scotland, *why not much rather among the* Britains ; *where* Cæſar *ſaith they had their* Original Inſtitution *and* the moſt ſacred Authority. *But* Buchanan *abſolutely* Buchan. *denies* that the *Druids* ever wrote Hiſtories ; *and he affirms from* Cæſar, l. 2. that when he came hither they had no Records or way of preſerving the memory of things paſt ; *and* Tacitus *and* Gildas *could meet with no certain Account from Domeſtick Hiſtories. And as to his* Sanachies *and* Bards, *I ſhall only give him* Buchanan's *Anſwer in his own Words.* Quod autem ad Bardos & Seneciones veteris memoriæ cuſtodes quidam confugiunt, prorſus perridicule faciunt. *Which he proves,* " *becauſe the*
" Bards *were an ignorant ſort of People, that had no Monuments of* Anti-
" quity ; *and the* Sanachies *were Men wholly without Learning, and who*
" *lived by flattering great Men ; and therefore no certain Account of*
" *things can be expected from them. And withall, ſaith he, ſince we find*
" *Hiſtorians liable to ſo many Miſtakes after all the pains and care they*
" *take to ſearch after the Truth of things, what credit can be given to thoſe*
" *who pretend to deliver Hiſtory merely by their Memories ?*

But the Advocate *objects,* That the Laws of *Lycurgus* were preſerved p. 16. in the Memories of Men for 600 Years, as *Plutarch* obſerves ; and the *Scots* and other Nations have preſerved Laws for much longer time, without the help of Letters.

But is there no difference between Laws of daily Practice, and Antiquities, *which depend merely upon Memory, where there is no uſe of Letters ? And as to Laws themſelves I ſhall only deſire the learned* Advocate *to give an Account of their* Macalpine *Laws, which* Fordon *ſaith,* were compoſed Scotic. by *Kenneth,* who ſubdued the *Picts. I know that* Hector Boethius, l. 4. c. 9.

who

Hect. Boeth. Hist. l. 10. f. 207. *Lesly de Orig. Scot.* l. 1. p. 71. *who stands out at nothing, pretends to deliver them as exactly as if he had lived at that time; and* Lesly *who follows him very carefully, setts them down as he found them in him. But what ancient Copy do they produce for these Laws? Not one Word of that. But was it not fit that he who had made so many Kings should make a Body of Laws too?* Fordon *never pretends to know them, only* he thinks there were some of them still remaining. Joh. Major *takes no notice of them;* Buchanan *just mentions them, and saith,* they continued long after him, *but how long he could not tell. But it is observable, that when he comes to mention the Laws of* Alexander III. *so long after him (for he died* A. D. 1285. *and the other, according to him,* A. D. 854.) *he saith,* they were all antiquated by the negligence of the People and the length of Time. *Now if the Laws so much later were quite forgotten, how come the* Macalpin *Laws to be so exactly preserved? But it may be there was another Chest of Laws at* Icolmkill, *besides that of* MSS. *which* Hector Boethius *saith* Fergus *brought from the Sacking of* Rome *in the time of* Alaric. *Yet even that would prove that Records are the best preservers of Laws; and one would think no* Advocate *in the World could be of another Opinion.*

Buch. l. 7. p. 71, 2.

(2.) *From the* Druids *I proceed to the first* Monks *of* Scotland, *who are said* to have left Records in their Monasteries of the History of former times. *The first* Monastery *there, is confessed to be* that of the Island *Jona,* or *Hy,* or *Icolmkill, i. e. Hy* the Cell of *Columba,* founded about the Year 560. and there, *the Advocate saith,* their Records were kept from the Foundation to the Reign of *Malcolm Can-more. Now we are fallen into an Age of some Light, such as it is, but whether it will be to the* Advocate's *satisfaction I know not. For* Cummeneus Albus *and* Adamnanus, *both Abbats of* Hy *not long after* Columba, *have given an Account of* Columba *the Founder of that Monastery; and both wrote before* Bede's *time. By them it appears that* Columba *came out of* Ireland *thither; and* Adamnanus *saith,* he was the Son of *Fedlimid* the Son of *Fergus, which* Fergus, *say the* Irish Antiquaries, *was second Husband to* Erica *Daughter of* Loarn, *Brother to* Fergus, *who carried the first Colony into* Scotland; *and that* Fergus, *Grand-father to* Columba, *was Son to* Conallus, *Grandchild to* Niellus Magnus *King of* Ireland *about* A. D. 405. *in whose time St.* Patrick *was carried captive into* Ireland. *And so from the time of* Columba's *coming, and his Relation to the Kings both of* Scotland *and* Ireland, *they have endeavoured to fix the time of* Fergus *his coming with the first Colony into* Scotland. *The account they give in short is this, that* Carbre Riada *was one of the Sons of* Conar II. *King of* Ireland, *about* A. D. 165. *from him the Family and Countrey where they lived was called* Dalrieda (*and they while in* Ireland *were styled* Kings *of* Dalrieda) *from him descended* Eric *the Father of* Loarn, *and* Fergus *who went into* Scotland. *To this* Fergus *succeeded* Domangardus, Comgallus, Gauranus *and* Conallus, *the Son of* Comgallus, *in whose time* Columba *came into* Scotland; *for* Adamnanus *saith,* he conversed with *Conallus* the Son of *Comgill; who according to* Tigernacus *and the* Ulster Annals *gave the Island* Hy *to* Columba. *But* Bede *saith,* it was given by the *Picts* whom *Columba* converted to the Christian Faith. *Which must seem strange, if the* Scots *then had the Possession of those Parts; and therefore the learned* Primate *of* Armagh *inclines to the former Opinion. The same* Tigernacus *in* the Irish Annals *makes* Fergus *the Son of* Eric *to have carried over the* Dalreidians *into* Britain *fix Years after the death of St.* Patrick; *and the old* Author *cited by* Camden *confirms the Succession of* Fergus

Ogyg. p. 471.

Cambrens. Evers. p. 69.

Ogyg. p. 468.

Bed. l. 3. c. 3. c. 4.

Primord. p. 703.

p. 610. *Camd. Britain* p. 707.

p. 23.

gus

gus *from* Conar, *and* his being the firſt King of *Albany*; *which agrees with the* Iriſh Antiquaries, *ſaying, that* Carbre Riada *the Anceſtor to* Fergus, *was the Son of* Conar *Monarch of* Ireland.

" *But ſuppoſe all this, that* Columba *was deſcended from one* Fergus, " *and related to the other, who went over with the* Dalredians *into* Scot- " land; *and that he was there in the time of* Conallus *Son to* Comgill, " *Grandchild to this* Fergus, *how doth it hence appear that there was not a-* " *nother* Fergus *long before, and a Succeſſion of Kings in* Scotland *from* " *him?*

To this the Iriſh Antiquaries *reply, that their* ancient Annals *do give a clear Account of this* Fergus *his Race and Time of going into* Scotland, *but although they have the Succeſſion of the Kings of* Ireland *long before, and the remarkable things done in their time, yet there is no mention at all of any* Fergus *or his Succeſſors going to ſettle in* Britain *before this time. They do believe that there were Excurſions made by ſome of the Kings of* Ireland *before; and I ſee no reaſon to queſtion it, even before the times mentioned by* Gildas; *but they utterly deny any foundation of a Monarchy there by* Scots *going out of* Ireland *before the time of* Fergus *the Son of* Eric, *and that* 100 *Years later than the* Scotiſh *Antiquaries do place his coming; for they make the firſt coming of this Colony to be* A. D. 503. *juſt the time which the Biſhop of St.* Aſaph *had pitched upon; but according to their* Antiquities, Loarn *the elder Brother was firſt King, and he dying* Fergus *ſucceeded* A. D. 513. *and becauſe his Race ſucceeded in that Kingdom, therefore* Fergus *is ſuppoſed to have been founder of the* Monarchy.

Ozyg. p. 464. p. 472.

The Queſtion now comes to this, whether the Iriſh *or the* Scotiſh Antiquaries *go upon the better Grounds? For, here* the Advocate's *Common Places of* Hiſtorical Faith, Common Fame, Domeſtick Tradition, *&c. can determine nothing, ſince theſe are equal on both ſides, and yet there is a contradiction to each other about a matter of Fact. We muſt then appeal to the Records on both ſides; and thoſe who can produce the more* Authentick Teſtimonies *from thence are to be believed. The* Advocate *pleads that it is very credible that they had ſuch,* becauſe they had Druids and Sanachies and Monks as well as thoſe in *Ireland*; and that *Columba* founded a Monaſtery at *Icolmkill,* and their Kings were buried there for a long time. *But where are the* Annals *of that Monaſtery? Or of any other near that time? To what purpoſe are we told of the Monaſteries that were at* Scoon, *and* Paſley, *and* Pluſcardin, *and* Lindesfern, *and* Abercorn, *unleſs their Books be produced? It is by no meaus ſatisfactory to ſay,* they had two Books, their Regiſter or Chartulary, and their Black Book wherein their Annals were kept, *for we deſire to ſee them of what colour ſoever they be, and to be convinced by Teſtimonies out of them, if they appear of ſufficient authority. But if theſe cannot be produced, let them print* the full Account of *Iriſh* Kings, *which* the Advocate *in his* Advertiſement *ſaith,* he had lately ſeen in a very old MS. brought from *Icolmkill,* written by *Carbre Lifachair,* who lived ſix Generations before St. *Patrick,* and ſo about our Saviour's time. *St.* Patrick *died about the end of the fifth Century, being above* 100 *Years old, if the* Iriſh *Hiſtorians may be believed; but how* ſix Generations will reach from his birth to about our Saviour's time, *is not eaſie to underſtand. For although the ancients differ'd much in computing* Generations; *yet* Cenſorinus *ſaith, they generally called* 25 or 30 Years by the Name of 3 Generations. Herodotus *indeed extends* a Generation *to* 100 *Years, yet even that will not do here. But who was this* Carbre Lifachair, *who wrote ſo long ſince? I*

p. 25.

Cenſor. de die Natal. c. 17.

Cambr. Eveſ. p. 71. Ogyg. p. 341. p. 464. find one of that Name among the Kings of Ireland, about A.D.284. and therefore I am apt to ſuſpect that ſome body not very well verſed in the Iriſh Language, finding this Name among the Kings, made him the Author of the Book. And the Iriſh Antiquaries ſpeak with ſome indignation againſt thoſe Scotiſh Writers, who pretended to debate theſe matters of Antiquity relating to the Iriſh Nation, without any skill in the Iriſh Language. For this Debate doth not concern the Saxons in Scotland (as all the Low-landers are ſtill called by the High-landers) and many of the beſt Families of their Nobility ſettled there in the time of Malcolm Canmoir, after he had married the Siſter to Edgar; but it relating wholly to thoſe who came out of Ireland, the Iriſh Antiquaries think it reaſonable it ought to be determined by the Iriſh Annals.

Camd. Brit. p. 85.

"But will not the ſame Objections lie againſt the Iriſh Antiquities which "have been hitherto urged againſt the Scotiſh? For why ſhould we believe "that the Original Iriſh were more punctual and exact in their Annals "than thoſe who went from thence into Scotland?

I anſwer, that a difference is to be made concerning the Iriſh Antiquities. For they either relate to what hapned among them before Chriſtianity was received in Ireland or after. As to their remote Antiquities, they might have ſome general Traditions preſerved among them, as that they were peopled from Britain and Scythia, and had Succeſſions of Kings time out of mind; but as to their exact Chronology, I muſt beg leave as yet to ſuſpend my Aſſent. For Bollandus affirms that the Iriſh had no uſe of Letters till St. Patrick brought it among them; at which their preſent Antiquary is much offended, and runs back to the Druids, as the learned Advocate doth. But neither of them have convinced me that the Druids ever wrote Annals. All that Cæſar ſaith, is, that in Gaul they made uſe of the Greek Letters, which they might eaſily borrow from the Greek Colony at Marſeilles; but how doth it appear that they uſed theſe Letters in Ireland or Scotland? Or that they any where uſed them in any Matters of Learning; which ſeems contrary to the Inſtitution of the Druids, who were all for Memory, as Cæſar ſaith, and thought Books hurtful to the uſe of it. So that nothing could be more repugnant to their Diſcipline, than the 150 Tracts of the Druids, which St. Patrick is ſaid to have caſt into the Fire. But I do not deny that they might have Genealogies kept up among them by their Druids, and Sanachies, and Bards, who made it their Buſineſs; and ſo it was in Scotland, as appears by the High-landers repeating the Genealogy of Alexander III. by Heart. But the great Error lay in fixing Times and Places, and particular Actions, according to the Names of thoſe Genealogies. And this was the true Reaſon of the Miſtake as to the Scotiſh Antiquities. For the Genealogiſts carrying the Pedigree of Fergus the Son of Erc ſo much further back, ſome afterwards either imagined themſelves, or would have others think, that all thoſe mentioned before him were Kings in Scotland, as Fergus was; which by degrees was improved into a formal Story of forty Kings. And I am very much confirmed in this Conjecture, becauſe I find in the Genealogy in Fordon, the deſcent of Fergus, the Son of Erc from Conar the Iriſh Monarch, as it is in the Iriſh Genealogies, and that by Rieda, called by them Carbre Riada, by the other Eochoid Ried, and ſeveral other Names are the very ſame we now find in the Genealogy of the Iriſh Kings; as Eochoid, Father to Erc; Ængus, Fedlim, Conar, the Son of Ederskeol; and ſo up to Fergus, called in the Iriſh Catalogue of Kings, Ferguſius Fortamalius, (whom the Author of the Synchroniſm

Act. Sanct. Mart. 17 Vit. Patric. §. 4.

Ogyg. part 3. c. 30. p. 214.

p. 219.

makes

makes contemporary with Ptolemy Philometor.) *From whence I conclude, that the original miſtake lay in applying the* Iriſh Genealogy *to the Kings of* Scotland. Ogyg. p. 114.

But if we go beyond theſe Genealogies *in* Ireland, *and come to examine the matters of Fact relating to their remote* Antiquities, *we ſhall find no more certainty there, than we have done in* Scotland. *And it is ingenuouſly confeſſed by* Tigernacus *in his* Annals, that all their Antiquities to the Reign of *Kimbaithus*, their 73d *King*, are very uncertain; *but he might have gone farther, and done no injury to Truth. However we cannot but acknowledge it to be a great piece of Ingenuity to own ſo much in thoſe times when fabulous* Antiquities *were ſo much cried up and believed. But what becomes then of* Cæſarea, Baronna *and* Balba, *with* fifty other Women and but three Men coming from *Ireland* juſt forty Days before the Flood; and the fifteenth day of the Moon? *What becomes of Partholanus* and his Company, who arrived in *Ireland* the 312th Year after the Flood, in the Month of *May*, 14th of the Moon, and upon *Wedneſday? Is not this wonderful exactneſs at ſuch a diſtance of time? And the late* Antiquary *confeſſes he doth not know*, how they came to underſtand the day of the Week and the Month ſo well. *How come they to underſtand*, that the ſecond Colony under *Nemethus* came to *Ireland*, when it had been 30 Years deſolate; and after the deſtruction of that Colony, that it remained ſo 200 Years? *As to the* Mileſian Colony *from* Spain, *I diſcourſe at large afterwards of it, and the Authority of thoſe* Annals *theſe* Antiquities *depend upon*. Ogyg. p. 258. Ogyg. Domeſt. Part 3. c. 1, 2. c. 6. c. 7.

But then as to later times, ſince Chriſtianity *was among them, and ſome kind of Learning did flouriſh in* Ireland *for ſome time, there is greater reaſon to have a regard to the Teſtimony of their moſt* ancient Annals. *Such are thoſe of* Tigernacus, *who died* A. D. 1088. *and the* Synchroniſms *of* Flannus, *who died* A. D. 1056. *the Hiſtorical Poems of* Coemannus, *who is celebrated as their chief* Antiquary, *and he deduces his Hiſtorical Poem of the Kings of* Ireland *to* A. D. 1072. *which is ſuppoſed to be the time he lived in*; Modudius *continues the Hiſtory of their Kings from* A. D. 428. *to* A. D. 1022. *and he lived* A. D. 1143. *But beſides theſe, the* Iriſh Antiquaries *have found an* Iriſh Poem *of the Kings of* Scotland, *in the time of* Malcolm Canmoir, *with their Names and the time of their Reigns. Which* Poem *begins with* Loarn, *and* Fergus *the Son of* Erc *as* the firſt King of *Scotland, but takes notice of Kings among the* Picts *before*; *without the leaſt intimation of any among the* Scots; *which being join'd with the Teſtimony of their* Genealogies *and the* Annals *of* Tigernacus, *and of* Jocelin *in the* Acts *of St.* Patrick, *they conclude ſufficient to prove that there was no Monarchy in* Scotland, *till the time of this* Fergus *of the* Dalredian *Family. And it is not improbable that* Bede *ſhould underſtand this Colony under the Conduct of theſe Brethren, by his* Duce Reuda; *becauſe they being equal, the Denomination was taken from the Head of the Stock*; *who was* Rieda *or* Reuda; *and* Daal *the* Iriſh Antiquaries *ſay, originally ſignifies a* Stock, *and only by conſequence a* Share *or* Portion. Ogyg. p. 466.

But the Advocate *ſtill inſiſts upon it*, that in their chief Monaſteries they had ancient Annals kept; *which muſt be of greater* Authority *than theſe* Iriſh Hiſtorical Poems. *This is a matter of Fact, and there can be no Argument drawn from the bare probability that there were ſuch* Annals; *but when they are produced and compared with the* Iriſh Annals *of* Tigernacus, *the* Annals *of* Ulſter, Ynisfallin, Dungall *and others which the* Iriſh Antiquaries *quote ſo often, beſides their* Hiſtorical Poems, *we ſhall then be*

able

able to judge better between them in point of Antiquitiy *and* Credibility. *At present it doth not seem so probable, that they have any such that are considerable, since they have not been alledged by so learned an* Advocate *for their* Antiquities, *who would not omit so material an evidence for his Cause. And there is a passage in the Conclusion of the Continuation of* Fordon *which makes it more than probable, they had no ancient* authentick Annals *in the* Monasteries. *For there it is said,* " *That in other Coun-*
Scotich l. 16. c. 39. " *tries, and as he heard in* England, *in all their* Monasteries *of Royal* " *Foundation, there was a certain Person appointed to write the passages of* " *the present times, and after the King's death, at the next great Council* " *all these* Writers *were to meet and to bring in their Papers, which were* " *to be compared and examined by skilful Men appointed for that purpose,* " *and out of all one* authentick Chronicle *was to be made, which was to* " *be laid up in the* Archives *of the Monasteries as such, from whence the* " *Truth might be known: The like he wishes were done in* Scotland. *From whence it follows, that there were no* authentick Annals *in their Mona-*
Buchan. p. 392. *steries before that time to his knowledge.* Buchanan, *I know, doth several*
45. l. 50 2. *times quote the Book of* Pasley, *but it had been far better to have printed the*
Dempst. Hist. *Book it self, since* Dempster *saith,* it was in the hands of the Earl of *Dum-*
Scot. l. 15. n. 1011. *ferlin, that others might have been better able to judge concerning it. But* Fordon *tells us, that Monastery was founded* A. D. 1168. (*or a Year af-*
Scotich. l. 8. c. 13. *ter, saith the* Chronicle *of* Melros) *now, the very foundation of the* *Monastery is here so late, that no great matter can be expected as to remote*
l. 5. c. 36. Antiquities. *That at* Scone, *as* Fordon *saith, was founded not much*
Buch. l. 5. p. 40. 2. *sooner,* A.D. 1107. *As to* Abercorn, *though mentioned by* Bede, *yet* Buchanan *saith* no one could find out so much as the Footsteps of it; *and so we are not like to expect much light from thence. It is very strange that* Buchanan *only should see* the famous Book of *Pluscardin: For Books do not easily grow* famous *by one Man's seeing them. But no great matter of* Antiquity *is to be expected from thence, since that* Monastery *at the soonest*
Apparat. ad Hist. Scot l. 1. p. 78. *was founded by* Alexander II. *in the thirteenth Century; but* Dempster *rather thinks,* it was 200 Years *after. I never heard that* Aidan, Finan *and* Colman *left any Annals at* Lindesfern; *nor* Columba *or his Succes-*
sors at Icolmkill. *If any such be ever found, it will be a great favour to in-*
quisitive Men to oblige the World by publishing them, that if we are guilty of mistakes, we may rectifie them upon such great Authorities when they vouch-
safe to let them see the light.

As to the Chronicle *of* Melros, *lately published at* Oxford, *we find no*
p. 24. *advantage at all to* the Advocate's Cause *by it. But here is an odd kind of* *Reflection either on the* MS. *or the worthy Publisher of it,* as though it were very unfaithful in the things relating to the *Scotish* Nation. *Where-*
as I have frequently perused the Original MS. *in the* Cotton Library, *which is a very fair and ancient one. And those Verses he speaks of, which are omitted, are not there in the* same hand, *but added in the Margin by another, and seem transcribed from some other Book; such Verses being fre-*
quent in Fordon, *and it may be are the greatest Monuments of* Antiquity *they have, being agreeable to the* Irish Historical Poems. *But seeing the first produced by* the Advocate *go no farther back than* Alpin *the Father of* Kenneth *who subdued the* Picts, *they can afford very little light in these matters. And it had been but a reasonable piece of Justice in* the Advocate, *before he had charged such* unfaithfulness upon the *MS.* Copy of *Mel-*
ros, as it appears in the *Oxford* Edition, *to have looked either on the* Beginning *or the* End *of the Book; and then he might have spared his Cen-*
sure.

ſure. For in the Preface an Account is given of the Verſes *relating to the Succeſſion of the* Kings of *Scotland: And in the end the very Verſes themſelves are printed, and more at large than he quotes them.*

From the Annals *of their* Monaſteries *I proceed to their* Hiſtorians; *and the firſt mentioned by* the Advocate, is *Veremundus* a *Spaniard*, Archdeacon of St. *Andrews*, *A. D.* 1076. who dedicated his Hiſtory to *Malcolm Canmoir*; and in his Epiſtle appeals to the *Druids* and Monks and the Monuments of Antiquity kept by them in the Iſles of *Man* and *Icolmkill*. *This is an Evidence to the purpoſe, and ſpeaks home to the point. But the Biſhop of St.* Aſaph *hath unhappily queſtioned, whether there ever were ſuch a Writer; and I do not think* the Advocate *hath cleared the point. There may be two things in diſpute, with reſpect to this* Veremundus; *firſt, whether there ever were ſuch a Hiſtory appearing under the name of* Veremundus: *And then ſuppoſing there were, whether it were genuine, or made under his Name by* Hector Boethius, *or rather by his Phyſician of* Aberdeen, *who was ſo helpful to him, ſaith* Dempſter, in texenda Hiſtoria, i. e. *in weaving the Materials for his Hiſtory? I will not diſpute ſo much the former, and the Teſtimony of* Chambers, a Lord of *Seſſion* and learned Man, *as* the Advocate *tells us*, who wrote *A. D.* 1572. *goes no farther, nor any other produced by him. But as to the ſecond point I am very much unſatisfied, for theſe Reaſons.* p. 25. p. 16. p. 26.

(1.) *It is very well known, that it was no unuſual thing in that Age to publiſh Books under the Names of ancient Authors, which coſt* the Criticks *a great deal of Pains to diſcover the Impoſture, as is apparent in the* Beroſus, Manetho, Metaſthenes (*or* Megaſthenes) Philo, Cato, Xenophon, Archilochus, Sempronius, *publiſhed by* Annius, *who lived in the* fifteenth Century, *and was buried during the Popedom of* Alexander VI. *And not only Authors, but other Monuments of* Antiquity *were then counterfeited, as appears by many in* Gruter's *Collection of* Inſcriptions, *by thoſe of* Annius *in* Italy; *and by the* Tuſcan Inſcriptions *publiſhed by* Inghiramius *under the Name of* Proſper Feſulanus; *which were the Invention of* Thomas Fœdrus, *who lived at the ſame time with* Hector Boethius. *For, in that Age Men began to be inquiſitive into Matters of* Antiquity; *and therefore ſome who had more Learning and better Inventions than others ſet themſelves to Work, to gratifie the Curioſity of ſuch who longed to ſee ſomething of the* Antiquities *of their own Country. And ſuch things were ſo greedily ſwallowed by leſs judicious Perſons, that it proved no eaſie matter to convince ſuch of* the Impoſture. *For even* Annius *and* Proſper Feſulanus, *as well as* Veremundus *have had* their Advocates *to plead for them.*

(2.) *We find as to the* Scotiſh Antiquities *many ſuch Authors pretended to, who never wrote concerning them. As for inſtance*, three Books of the Hiſtory of *Scotland* by St. *Adam* Biſhop of *Cathnes*. Auminus *of* the Right of the Culdees. *King* Achaius *his* Hiſtory *of his* Predeceſſors. Aldarus *his* Hiſtory *of* Scotland *and* Ireland. *St.* Convallanus *his Hiſtory of the Kings of* Scotland. *The* Chronicle *of* Dumfermlin. Elvanus Avalonius *his Hiſtory of* Scotland. *St.* Faſtidius *his* Chronicle *of* Scotland. Fergus the Great, *his* Epiſtles *to the* Scots. Fulgentius *his Epiſtle to* Donald *King of* Scotland *in the time of* Severus. *St.* Glacianus *his Hiſtory of* Scotland. *St.* Glodianus *his* Chronicle *of the* Picts, *cited by* Veremundus, *ſaith* Dempſter. Galdus *his Epiſtles to the* Britains. Hunibertus *his* Scotiſh *Chronicle*. Kenneth's *Epitome of his Laws*. *St.* Machorius *of* Dempſter. *Hiſt. Eccleſ.* l. 1. n. 2. n. 45. n. 52. n. 92. n. 259. n. 415. n. 490. n. 530. n. 532. n. 547. n. 561. n. 567. n. 592. n. 667.

n. 761. n. 839. n. 849. n. 881. n. 1065. n. 2057. *of the Deſtruction of the* Picts. *St.* Minnanus *of the Union of the* Scots *and* Picts. Marcerius *of the coming of the* Scots *into* Albion: *He is ſaid to be their firſt* Author, *and out of him* Veremundus, *ſaith* Dempſter, took the Foundation of his Hiſtory; *but I do not find that any Man beſides ever ſaw him. King* Reuther's Scotiſh *Hiſtory.* Salifax Bardus *his* Genealogy *of their Kings in King* Reuther's *time. Here we have no leſs than* 20. Authors *relating to* their Antiquities, *every one mentioned as genuine by* Dempſter; *and yet as far as we can find, not one of the whole number was ſo. Is it then any wonder, that* Veremundus *ſhould be reckon'd among the reſt?*

(3.) *No ſuch* Author *was known to* Fordon, *as far as appears by his Hiſtory; and he is very punctual in quoting the* Authors *he makes uſe of, and ſometimes tranſcribes large paſſages out of them; as out of* Baldredus, *as he calls him, and* Turgot's *Life of* Malcolm, &c. Jocelin de Furnes, Vincentius, Adamnanus, *and any old Legends or* Chronicles *he could meet with, as* Chronica de Abernethy, & variæ Chronicæ *upon many occaſions. I do not therefore deny that* Fordon *doth appeal to* Chronicles *before him; but I think* the Argument *ſo much ſtronger againſt* Veremundus; *when one who gathered all he could meet with never once takes notice of him, as far as I can find.*

Hiſt. Scot. l. 11. f. 254. (4.) William Elphinſton, (*Chancellor of* Scotland, *Biſhop of* Aberdeen, *and Founder of the Univerſity there, a Man highly commended by* Hector Boethius) *did, as* Hector *himſelf tells us in his Epiſtle to* James V. ſearch all *Scotland* for Monuments of Antiquity, and gave the firſt intimation of *Veremundus* in the Iſland *Jona*, and followed him exactly in writing his Hiſtory. *Now as it happily falls out, this very Hiſtory of* Elphinſtoun *is in being among us, and I have at this time by me* Eight Books *of it, which go as far as the* thirteenth Century. *He tells the Story of* Gathelos *and* Scota, *as others had done before him; or rather, juſt as* Fordon *had ſet it down. For there is very little variation from him in all the firſt Book, only the eighth* Chapter *in* Fordon *is very much contracted; the fifteenth about* Gathelos *his building the City* Brigantia *in* Spain *is tranſpoſed, another* Chapter *being ſet before it. In the* ſeventeenth *he follows* Fordon *exactly about the Poſterity of* Gathelos *coming into* Ireland; *and whereas* Fordon *only quotes* Groſſum Caput *for ſaying,* that *Scotia* had its Name from *Scota,* the moſt noble Perſon in that Colony; *he ſaith,* it was in ſome *Chronica; but what* Chronica *was ever written by* Groſthead, *deſerves to be enquired. For it is certain* Fordon *quotes him in other Places about* Scota *and the* Scots. *Which makes me wonder that* Dempſter *doth not put him in among his* Scotiſh Writers; *but as far as I can perceive, he never read* Fordon; *nor ſaw* Elphinſton. *In Chap.* 20. *where* Fordon *quotes an old* Chronicle *which affirms,* that *Gathelos* gave the ſame Laws to his People which *Phoroneus* did to the *Greeks*; and that the *Scots* to this day glory that they have thoſe Laws; *this laſt Clauſe* Elphinſtoun *left out; and he paſſes over Chap.* 21. *where* the miſerable condition of the Poſterity of *Gathelos* in *Spain* for 240 Years *is ſet down. In ſome following* Chapters *he confutes* Geoffrey *of* Monmouth *in the very Words of* Fordon, *and uſes his very Expreſſions about* the firſt Peopling of *Scotland* from *Ireland,* the coming of the *Picts,* and the hard uſage of the *Scots* by them, and *Fergus* his going over out of *Ireland; in all which not one* Authority *is cited which is not in* Fordon, *and not the leaſt intimation of any ſuch* Author *as* Veremundus.

Scotichron l. 1. c. 8. l. 7. f. 118. 2. l. 1. c. 14.

In the second Book he follows Fordon, *not only in other things before, but when he describes the* Illands *of* Scotland, *and particularly* Jona; *only he leaves out* Fordon's *Hebrew* Etymology, making *Jona* and *Columba* the same; *and he saith not one Word of any* Library *or* Records *kept there, or any* old Histories *and* Annals *to be there found, as* Hector Boethius *affirms*; *all that he saith is*, that there was a Sanctuary for Transgressors. *About* Fergus *and* Rether *he varies not a tittle from* Fordon, *and never mentions any other Kings of that Race, which he would never have omitted if he had known such an* Author *as* Veremundus. *And he doth not suppose, that* Rether *succeeded* Fergus *in the Kingdom of* Scotland, *but that he came afresh from* Ireland; *and so makes this* the second coming of the *Scots* out of *Ireland: Which plainly overthrows the constant Succession of the* Monarchy *from* Fergus *in* Scotland: *And he names no one King of* Scotland *from* Rether *to* Eugenius, *who was banished with all the* Scots. *Scotichron. l. 2. c. 10.*

In the beginning of the third Book *he gives an account after* Fordon *of* Fergus *the Son of* Erc *coming into* Scotland, *and he reckons* 45 Kings between the two *Fergusses, just as* Fordon *doth*; *and he desires to be excused, as he did*, for not setting down distinctly the times of their several Reigns, because he could not then find any Writings about them; *his Words are*, ad præsens non in Scriptis reperimus. *Now from this Expression I thus argue against* Hector Boethius *his* Veremundus: *He saith*, that *Elphinstoun* gave the first intimation of him, and that he followed him in his History; *either therefore* Veremundus *gave no account of this first Succession, which* Hector *pretends to have from him*; *and so his* Authority *signifies nothing at all in this matter*; *or* Elphinston *never saw him*; *for he saith*, he never could find any History of this first Succession. *And therefore if ever there were such a Book under the Name of* Veremundus, *it was after* Elphinston's *days. For having searched the whole Nation for ancient Writings, and particularly* Jona, *as* Hector *testifies, and finding no History of the Succession from* Fergus, *as himself declares, it is a plain Evidence, that* Hector Boethius *hath given a false account of* Elphinston *in relation to* Veremundus, *and in all probability of* Veremundus *too. But this is not all, for* Elphinston *doth not only say*, that he could not find any Books relating to the Succession of the Kings from *Fergus*, *but he refers his Readers to the* old Irish Annals; *his Words are*, ad antiquos Hiberniæ Libros referimus. *So that according to* Elphinston's *Judgment, the most certain account of their* Antiquities *is to be taken from the* Irish Authors. *And so we may observe both in him and* Fordon, *the* Irish Legends *of S.* Brendan *and others, served them for very good* Authorities.

And so much for the Advocate's *ancient Historian* Veremundus *the* Spaniard. *For I suppose the mention of him by* Bale, Gesner, Hollinshed, &c. *after he was so much celebrated by* Hector Boethius, *deserves no farther consideration. But* Vossius *did not think him worth mentioning*; *and although he blames* Luddus (*as* the Advocate *calls him*) *or* Humphry Lhuyd, *for being too severe upon* Hector Boethius, *yet it is evident that he looked on him as a* fabulous Writer, *and so durst not set him down on his* Authority. *The* Advocate *would excuse this Censure of* Vossius, *as though it related only* to his credulity in point of Miracles, *whereas there is not the least intimation that way*; *and* Vossius *saith* that *Leland* on the account of his fabulousness wrote sharp Verses upon him. *What! for* his having believed too many Miracles? *No certainly, but for his* fa- *f. 12. Voss. de Hist. Lat. l. 3. c. 13. p. 31.*

bulous

bulous Antiquities. *But he hopes to bring* Hector Boethius *better off from the Censure of Bishop* Gavin Dowglas, *which the Bishop of St.* Asaph *takes*
p. 30. *notice of from* Polydore Virgil, *because* Bishop *Dowglas* died *A. D.* 1520. and *Boethius* his History was not published till 1526. and he had not his Records from *Icolmkill* till 1525. *To which I answer, that this looks like one of the* Miracles *the* Advocate *confesses that* Hector *did too easily report. For if he had* the Records *on which this History was built but in* 1525. *how came his History to be published the following Year? For he makes use of*
Hect. Boeth. Scot. Hist. l. 1. f. 12. l. 2. f. 22. 2. l. 3. f. 35. l. 7. f. 118. 2. Veremundus *his Authority in the very beginning of his History, for* the *Scottish* Antiquities both in *Spain, Ireland* and *Albany. In his second Book he saith*, whatever he had written of the ancient Kings of *Scotland*, he had taken out of *Veremundus, Campbell* and *Cornelius Hibernicus*; *all which he pretended to have had from* Icolmkill. *In his* third Book *about* Cæsar's Expedition, *he still pretends to follow* Veremundus. *And in his* seventh Book *he declares* he had kept close to him in the whole series of his History. *Now how was this possible if he had never seen* Veremundus *till* A. D. 1525. *and his History was published by* Badius Ascensius *at* Paris, A. D 1526. *It would take up that Year in sending it thither, and revising and correcting and publishing so large a Volume as his History makes. So that there must be some great mistake, as to the Year of his receiving those Records, if ever he did. But if this were not the History Bishop* Dowglas *censured, what other was there at that time which could deserve it? It could not be* Joh. Major, *for his Book was printed by* Badius Ascensius *after*
Lesl. l. 9. p. 378. *Dempster. Hist. Eccl.* l. 4. n. 405. Dowglas *his death: (if he died, as he saith,* A. D. 1520.) *and he pretends to no new Discoveries, as* Boethius *doth. But why should* the Advocate *imagine his History was not known by the learned Men at home, such as Bishop* Dowglas *was, before it was printed?*

But to return to Vossius, *who is not sparing in mentioning any of our* MSS. Historians *which he found well attested: and particularly* Aelredus, *Abbat of* Rhieval, *who wrote the Life of* David *King of* Scots. *But* the
p. 22. Advocate *tells us some news concerning him*, viz. That he was Abbat of *Mailros*, which was called *Ryval* before King *David*'s time. *But* For-
Scotich. l. 5. c. 43. don *expressly distinguisheth the two Monasteries of* Rieval *and* Melros; the one, *he saith*, was founded by King *David, A. D.* 1132. and the latter four Years after. *And in the Chronicle of* Melros *it appears that* Richard *was the first Abbat there; to whom* Waltheof *succeeded, Uncle to King* Malcolm, A. D. 1148. (*who succeeded King* David A. D. 1153.) *After* Waltheof William *was Abbat of* Mailros, A. D. 1159. *after him* Jocelin, A. D. 1170. *In the mean time* Aelredus *dies Abbat of* Rieval, A. D. 1167. *and* Silvanus *was chosen in his place. From whence it is plain that the* Abbies *of* Melros *and* Rieval *were always distinct from their first foundation, and that* Aelredus *was never Abbat of* Melros. *This* Aelredus *may be called a* Scotish Historian, *for his Lamentation of King* David, *extant both in* Fordon *and* Elphinston; *but I can find nothing of his* writing *relating to the* Scotish Antiquities. *I know he wrote a* Chronicon, *which* Boston *of* Bury (*who calls him* Adelredus) *saith*, was deduced from *Adam* to *Henry* I. *but if there had been any thing in it to their purpose, those* Authors *who cite a great deal out of it, relating to our* Saxon *Kings, would never have omitted what had been much more material to their History.*

Voss de Hist. Lat. l. 2. c. 48. Turgot *is likewise mentioned by* Vossius, *though a* MS. Historian; *because he saw very good evidence for his writing some part of the* Scotish *History. He lived saith* the Advocate A. D. 1098. *I grant that he is frequently*

quently cited by Fordon *and* Elphinston, *for the* Acts of *Malcolm* and *Margaret which he wrote*; *but I can find no more out of him than out of* Aelred *as to their remote* Antiquities; *although they seem to have left out very little of what* Turgott *wrote. But I wonder how the* Advocate *came to discover* Turgott *to have been* Archbishop of St. *Andrews*; *when* Dempster *could have informed him* that there was no Archbishop of St. *Andrews* till 300 Years after. *And he might have found in* Fordon, *that there was no Archbishop of St.* Andrews *till after* James Kennedy, *who was Bishop of St.* Andrews, A. D. 1440. *and was Nephew to* James I. *but after his death* Patrick Graham *first obtained the Metropolitan Right to the See of St.* Andrews, *but it was not quietly enjoyed till his Successor* Will. Sheues *came into possession of his place.* p. 35. *Dempst. Hist. Eccles.* l. 18. n. 1143. *Scotich.* l. 6. c. 48. *Lesle.* l. 8. p. 304, 306.

But there is in Fordon *an account of the Succession of the Bishops of St.* Andrews *from the time of the expulsion of the* Picts; *which is wholly left out in* Elphinston; *and there* Turgott *is said to be consecrated Bishop,* A. D. 1109. *and to continue there seven Years. St.* Andrews *was before called* Kilremont, *as appears by* Fordon, *who calls them the Bishops of St.* Andrews de Kilremont; Kil, *as appears by the* Scotish *Historians, was a place of Devotion*; Kilruil *was the Church of* Regulus (*as* Hector *saith St.* Andrews *was called in the time of the* Picts) *and* Kilremont, *as being the* Royal Seat *and the* principal Church, *for* Remont *is* Mons Regis; *and from hence the Clergy of this Church were called* Killdees (*from which title the fiction of the ancient* Culdees *came, as the Bishop of St.* Asaph *hath truly observed.*) *These* Killdees *had the ancient Right of chusing the Bishop, and were first excluded, as* Fordon *saith by* William Wishart, A. D. 1273. *and next by* William Fraser, *after him by* William Lamberton; *upon which* William Cumyng, Keldeorum Præpositus, i. e. *Dean of the Church, appealed to* Rome, *but was overruled there. But the learned Primate of* Armagh *following* Dempster *too much, calls him* Auminus; *and yet* Dempster *quotes the* Scotichronicon *for it, where it is plainly* William Cumyng. *But that the* Killdees *were nothing but the* Dean *and* Chapter *of St.* Andrews, *not only appears by their Right of Election of the Bishop, but by the exercise of the Jurisdiction in the* vacancy of the See, *which* Fordon *saith was in them.* Dempst. Appar. l. 1. p. 63. *Scotichron.* l. 6. c. 24. *Scotich.* l. 6. c. 42. c. 43. *Usser. Primord.* p. 659.

I should not so much have insisted on this mistake of the Advocate *in making* Turgott *Archbishop of St.* Andrews, *if he had not so severely reflected on the Bishop of St.* Asaph *for making* Fordon *a* Monk, *as though he did it* merely for his own conveniency, to shew him interested for the independency of Monks and *Culdees* from the *Bishops. I grant it was a mistake, but not designed, and a very pardonable one, since* Dempster *saith,* some thought him a Monk, and he could not find of what condition he was; *and yet he saith* he read him; *and* Vossius *makes* Joh. de Fordon *a* Monk *in* King John's *time, Author of the* Scotichronicon. p. 34. *Dempst. Hist. Eccles.* l. 6. n. 543. *Voss. de Hist. Lat.* l. 2. c. 56.

This Book of Fordon *the* Advocate *saith* was so esteemed that there were Copies of it in most of their Monasteries; and *he saith* did agree with their ancient Annals; *which I think will appear by the precedent Discourse, not to be much to the advantage of his Cause.* p. 34.

And so much for the Authority *of their* Annals *and* Historians, *from the Original* Druids *and* Bards, *to* Fordon *and* Elphinston.

Having thus gone through the most material points, which I have not distinctly answered in the following Book, there remain only some few things, which stand in need of being farther cleared. As,

(1.) *The Teſtimony of* Eumenius *in his* Panegyrick *to* Conſtantius, *from whence* the Advocate *proves* that in the time of *Cæſar* there was another
p. 68. Nation beſides the *Picts* who then inhabited *Britain*, and were a Colony of the *Iriſh*; and theſe muſt certainly have been *Scots*. *The queſtion is not, whether there were not, according to* Eumenius, Picts *and* Iriſh *which*
Carm. 7. v. 90. *the* Britains *fought with in* Cæſar's *time* (*juſt as* Sidonius Apollinaris *ſaith*, that *Cæſar* conquer'd the *Picts* and *Saxons* in *Britain*, *which is ſuch another* Prolepſis *as* Sirmondus *obſerves*, who makes the coming of the *Scots* into *Britain* after the *Saxons*; *and he was a* judicious Critick *and* Antiquary) *but the true queſtion is*, *whether* Eumenius *affirms that thoſe*
Buch. Rer. Scot. l. 2. Iriſh *then dwelt in* Britain? *Yes*, *ſaith* Buchanan, ſoli Britanni, *are to be underſtood in* the Genitive Caſe, *and ſo theſe Words relate* to the *Picts* and *Iriſh* of the *Britiſh* Soil. *No*, *ſaith the Biſhop of St.* Aſaph, *they are to be underſtood in the* Nominative Caſe; *and ſo they ſet forth the advantage in* Conſtantius *his* Victory *over a* Roman Legion *above that of* Julius Cæſar, *who fought only with* the Britains, a rude People, and accuſtomed to no other Enemies but *Picts* and *Iriſh*, a half naked People. *The Words are thus printed in the late* Paris Edition, *after the comparing of ſeveral* MSS. *by* Claudius Puteanus, *and therefore more correct than* the Plantin Edition. Ad hoc Natio etiam tunc rudis, & ſoli Britanni Pictis modo & Hibernis aſſueta hoſtibus, adhuc ſeminudis, facile Romanis armis ſigníſq; ceſſerunt.

The deſign of the Orator, *was to leſſen* the Reputation *of* Cæſar's Victory *in* compariſon of that *of* Conſtantius; *and to that purpoſe it was very material to ſhew*, *that he fought with* the Britains *alone*, *who were themſelves* a rude People, and had no other Enemies but ſuch as were as rude as themſelves, the *Picts* and *Iriſh*. *Now to what great purpoſe was it for him to ſay that* the Britains *fought with* the *Iriſh* of the *Britiſh* Soil? *Were they ſo much better diſciplined and ſo much more famous among the* Romans *for deeds of Arms than* the original *Iriſh*, *that ſuch an* Emphaſis *muſt be*
p. 72. *laid upon that?* *But* the Advocate *ſaith*, the compariſon lies in this, that then they had been uſed only to the *Picts* and *Iriſh*, but *Conſtantius* overcame them when they had been long trained up in War. *But if he had been pleaſed to have read* the next Paragraph *he would have found* the Orator *taking no notice of* the Britains *greater experience in War*, *but of* a *Roman* Legion corrupted, foreign Soldiers and *Gallican* Merchants drawn out of the Provinces to ſtrengthen *Carauſius* and *Allectus* in their Rebellion; *ſo that* the Compariſon *lies between* the Britains *alone in* Cæſar's *time*, *and* the ſtrength *of a well diſciplined* Roman *Army in the time of* Conſtantius. *And it is to be obſerved*, *that according to* Eumenius *his own manner of ſpeaking*, *if he were to be underſtood in* Buchanan's *ſenſe*, *it ſhould have been* Soli Britannici *for* the Britiſh Soil. *For ſo he hath* Victoria Britannica *at the end of the ſame* Oration; *and in another* Britannica Trophæa. *So that neither Senſe nor Grammar do favour* Buchanan's *Con-*
p. 70. *ſtruction*. *But he ſaith*, *Joſeph Scaliger* approves *Buchanan*'s Conſtruction in his Notes on *Tibullus*. *I have ſearched the place and can find no ſuch thing*; *but I am afraid he miſtook his own Notes*; *for there* Scaliger *ſpeaks about the* Scoto-Brigantes, *and which is more*, *he ſaith*, the *Scots* were yet in *Ireland*. *And becauſe he is ſo accuſtomed to Maxims of Law*, *I ſhall put him in mind of one*; that a Witneſs which a Man brings for himſelf, he is bound to receive againſt himſelf.

(2.) *As*

(2.) *As to* Claudian's *Expreſſion,*

Scotorum cumulos flevit glacialis Ierne.

he ſaith this is not to be underſtood of *Ireland*, but of a Countrey of *Scotland* of that Name, near to which the *Romans* had a Camp, the remainders whereof are ſtill diſcernible; and in which there are Stones found with *Roman* Inſcriptions deſigning the Stations of the Legions; and *Strathern* in *Scotland* is more ſubject to long Froſts than *Ireland* is. p. 85.

This I confeſs is ingenuouſly obſerved. But I do not underſtand what the Roman Inſcriptions *prove as to the* Scots *being in thoſe Parts of* Britain; *if the queſtion were about the* Romans *they would be of ſome uſe. I do not deny that* Strathern *had its Name from the River* Ern, *and the Countrey might in* Latin *be called* Ierne *from thence. But how doth it appear that* Claudian *or the* Romans *knew it by that Name? We are certain that* Ierne *commonly paſſed for* Ireland *among them; and that it was then accounted the* Country of the *Scots*; *as appears by the expreſs Teſtimony of* Oroſius, *who lived in that Age. And* Dempſter, *who fixes the* Scots *in* Britain *long before, yet is ſo convinced by theſe Words of* Claudian *that they were in* Ireland, *that he ſuppoſes them driven thither by* Theodoſius, *and there deſtroyed by him. And* Claudian *explains himſelf elſewhere, when he ſaith,* Oroſ. Hiſt. l. 1. c. 2. Dempſt. Appar. l. 1. c. 3.

———Totam cum Scotus Iernen
Movit, & infeſto ſpumavit remige Tethys. *De laud. Stilich. l. 2. v. 251.*

Where it ſeems ridiculous to ſay, that the *Scots* put all *Strathern* into Commotion; *and this* Ierne *had the Sea lying between it and* Britain, *in whoſe Name* Claudian *ſpeaks*; *and* Buchanan *underſtands this of* Ireland. Buch. l. 2. p. 16.

(3.) *He urges* the great improbability that the *Scots* ſhould manage ſo long a War, for 600 Years, and not ſettle in *Britain*. *But this is that which is called* begging the Queſtion; *for the diſpute is how long the* Scots *in* Britain *did make War upon the* Britains? Claudian *ſaith in his time*, the *Scots* came from *Ierne*, and made the Sea foam with their Oars; Gildas *ſaith* the *Iriſh* uſually returned home, intending to come back, and the *Picts* then reſted for a time in the farthermoſt parts of the Iſle. *Why ſhould not* Gildas *have ſaid that the* Iriſh *and* Picts *went back to the remote parts of the* Iſland, *if they both inhabited there at that time?* p. 101, 103. Gild. Epiſt.

If Gildas *his Authority be allowed in this caſe, I think it is clear enough to decide the Controverſie. For,* (1.) Upon *Maximus* his withdrawing the *Roman* Legions and *Britiſh* Infantry which never returned, *he ſaith,* the *Britains* were then firſt infeſted with two cruel tranſmarine Nations, the *Scots* from the Southweſt, and the *Picts* from the North. *If there had been* a War of 600 Years from before *Julius Cæſar*'s time, *as the Advocate ſaith, how comes* Gildas *to be ſo extremely miſtaken as to ſay, the firſt War began after* Maximus *his withdrawing the* Roman Militia? (2.) *He ſtill ſpeaks of* their coming by Sea, and carrying away their anniverſary Prey beyond the Seas; *and* trans Maria fugaverunt, *ſaith he, of the* Roman *Forces driving them back. How comes* Gildas *ſtill to mention the Seas, if they then inhabited the ſame Iſland?* Gild. Epiſt. p. 13. Ed. Joſſel. p. 14.

But

p. 102, 103. *But the Advocate ſaith*, that by Seas the *Friths* are underſtood; and that in their old Laws the *Frith* of *Forth* is called *Mare Scotiæ*, the Sea of *Scotland*; and the *Frith* of *Dumbritton* is called one part of the *Mare Scoticum* by the *Engliſh* Authors; and this paſſage to and fro he makes to be eaſie, but the other home to *Ireland* almoſt impoſſible with their Boats in the *Iriſh* Seas; from whence he ſaith, that the Biſhop of St. *Aſaph*'s Hypotheſis is abſurd and incredible, but his very conſiſtent.

To clear this we may obſerve, (1.) *That to make theſe Friths* to be called
p. 103. Seas not improperly, *he ſaith*, they are 40 Miles broad in ſome places; *and ſo makes the Paſſage more difficult over them than from* Ireland *to* Scot-
Camd. Brit. p. 706. land; *for, as* Camden *obſerves, there is hardly* 13 *Miles diſtance between ſome part of* Scotland *and* Ireland. *But this is to demonſtrate the conſiſten-*
Ogyg. part. 3. c. 34. p. 254. *cy of his own* Hypotheſis, *and the abſurdity of the Biſhop's.* (2.) *The* Iriſh *Writers ſay*, their Curroghs or light Boats cover'd with Leather were
Adamn. Vit. Columb. l. 2. very convenient for tranſporting an Army, though not ſo proper for a Sea-fight. Adamnanus *in the Life of St.* Columba *deſcribes one of them in*
apud Caniſ. To. 5. *Antiq. Lection.* *which St.* Cormac *went to Sea, with all the Parts of a Ship, and with* Sails *and* Oars, *and a Capacity for Paſſengers; and he ſaith*, he was out at Sea 14 Days Northward in it. *Now what abſurdity or incredibility is there in it, that ſuch Veſſels ſhould convey the* Iriſh *forwards and backwards over ſo narrow a Paſſage as that between* Ireland *and thoſe parts of* Scotland *which lay neareſt to it? Why might not the* Iriſh *paſs thoſe Seas as well in theſe as the* Britains *did in* Cæſar's *time the Sea between* Gaul *and* Britain; *for he ſaith*, they gave Aſſiſtance to the *Gauls, and they had then no other*
Cæſar. de Bell. Gallic. l. 3. *kind of Ships? And* Cæſar *himſelf was ſo far from deſpiſing them, that he thought them a very uſeful Invention and made uſe of them himſelf in* Spain *to tranſport his Soldiers.* The Keel and Maſts, *he ſaith*, were made
De Bel. Civ. l. 1. of the lighteſt Wood, and the Bodies of them of Wicker, cover'd over with Leather; which he had learnt from the *Britains.* Lucan *calls them* little Ships, *and not* a miſerable little kind of ſhapeleſs Boats, *as the Ad-*
p. 101. *vocate doth.*

Lucan. l. 4.

Primum cana Salix madefacto vimine, parvam
Texitur in Puppim, cæſóq; induta juvenco, &c.

and in theſe he ſaith, the Britains *were wont* to paſs the Ocean.

——fuſóq; Britannus
Navigat Oceano.——

In the old MSS. Gloſſaries *in the Margin of* Joſſelin's Gildas, Curuca *is*
Solin. c 35. *rendred by* Navis, *and not* a little ſhapeleſs Boat. *And* Solinus *expreſsly ſaith* (*even in the place quoted by him*) that it was common to paſs between *Ireland* and *Britain* with theſe Curroghs. *And ſuch kind of Veſſels covered with* Leather *were not only uſed by the* Britains *and* Iriſh, *but by the* Æthiopians, Ægyptians, Sabeans, Romans *and* Spaniards; *as might be ſhewed from the Teſtimonies of* Agatharchides, Strabo, Virgil, Pliny *and others. How comes it then to be almoſt impoſſible for the* Iriſh *to paſs the Seas in ſuch Veſſels? And wherein lies the Abſurdity and Incredibility of the Biſhop's* Hypotheſis, *when he makes them to croſs but* 13 *Miles from* Ireland *to* Britain *in theſe* Curroghs, *and the Advocate allows the* Friths *over which they were to paſs to be* 40 Miles broad in ſome places? *And*

how

how could they be ſecure they ſhould not be driven into the broadeſt places? *If theſe Veſſels then could convey them ſafely over the* Friths, *why not as well from* Ireland *to the neareſt Parts of* Scotland?

But I have another Argument from Gildas *that the Seas cannot be underſtood of the* two Friths, viz. *That* Gildas *ſaith*, when the *Roman* Legion firſt defeated the *Picts* and the *Scots*, they commanded a Wall to be built between the two Seas to hinder their Incurſion: *which is confirmed by* Bede, *who ſaith*, this Wall began at *Penneltun*, not far from *Abercorny*, and ended at *Alcluith*, and was deſigned to keep out their Enemies. *Now I deſire to know to what purpoſe this Wall was built between the* two *Friths*, to keep out the *Scots* and *Picts*, *if their Cuſtom was, as the Advocate ſuppoſes, to croſs over* the two Friths *and to land on this ſide the Wall? Did the* Romans *and* Britains *ſo little underſtand the way of their Enemies coming, to put themſelves to ſo much pains and trouble for no purpoſe at all? And* Buchanan *thinks* the laſt Stone Wall made by the *Romans* for the Security of the *Britains*, *mentioned by* Gildas *and* Bede, *was made in the ſame place where he thinks Severus* his Wall ſtood before. *And it had been madneſs to erect a Stone Wall there to keep out the* Scots *and* Picts, *if they came out of* Scotland *over* the two Friths, *and landed where the Wall could do the* Britains *no Service. But* Gildas *and* Bede *ſay*, they attempted the Wall, and forced themſelves *a Paſſage over it*; irrumpunt terminos *ſaith* Bede; *and* with their Iron hooks drew the *Britains* from the Wall, *ſaith* Gildas. *What need all this if they came over the* Friths, *and ſo left the Wall between the* two Friths *behind them? But from hence it is very plain, that* Gildas *knew nothing of their paſſing the* Friths, *and therefore muſt be underſtood of their croſſing the Seas from* Ireland *to* Scotland, *and there joining with the* Picts, *and ſo marching towards the Wall between the* two Friths *in order to their paſſing into the* Roman *Province. And it is obſervable, that* Gildas *ſaith after the making the ſecond Wall*, the *Scots* and *Picts* upon the *Romans* withdrawing grew more confident, and took poſſeſſion of the Northern part of the Iſland as far as the Wall, *pro indigenis*, in the Place of the Natives; *which ſhews that he looked on them as late comers, and then newly entred into poſſeſſion there.*

Gild. Epiſt. p. 13. 2.

Bed. l. 1. c. 12.

Buch. p. 40. 2.

Gild. p. 15. *Bed.* l. 1. c. 12.

The laſt thing I ſhall take notice of is, concerning the early Converſion *of the* Scotiſh *Nation to the* Chriſtian Faith. *And here I am particularly concerned to anſwer* his *Arguments, ſince in the following Book I have rejected the Tradition of* the *Scots* Converſion under King *Donald, and aſſert* Palladius *to have been ſent to the* original *Scots* in *Ireland. But the Advocate thinks it ſo clear* that they were converted before *A. D.* 503. that from thence he concludes, that they were ſettled in *Scotland* before that time. *And it were a piece of very ill Nature to deny this* Concluſion, *if the* Premiſſes *be well proved.*

Ch. 2. p. 52, 53. p. 112.

(1.) *As to the* Converſation *under King* Donald; *he ſhews*,

1. That it is very probable the *Britiſh* Chriſtians being perſecuted by the *Roman* Emperors in the Southern Parts, would go into the Northern and propagate their Religion there. *But this proves only the probability of the Converſion of the* Northern Britains, *and not of the* Scots. p. 113.

2. *He ſaith*, the *Druids* were prepared to receive Chriſtianity, and ſo would be eaſie to be converted themſelves, and ready to convert the People. *He ſpeaks ſoon after of a double* Converſion *of their Nation from* Paganiſm *and* Pelagianiſm. *Methinks theſe Words do not argue the latter* p. 114. p. 117.

Converſion *to have been ſuch, as to have left no* Dregs *behind it. For how came the* Druids *natural improvements to facilitate their Converſion more than the Philoſophers at* Athens *or* Rome? *And the* Iriſh Antiquaries *ſay, the* Druids *there* were the great oppoſers of the Goſpel. *But ſtill theſe* Druids *might be among the* Britains *and not the* Scots.

Ogyg. p. 203.

p. 118. 3. *He ſaith,* That *Donald* was their firſt Chriſtian King, *A. D.* 203. ſeems moſt fully proved. *Not by any thing yet ſaid. But what then is the full Proof? In ſhort it is this.* It was a matter of Fact. *Very true;* Matters of Fact muſt be proved by Witneſſes. *True again. But who are theſe Witneſſes? Even* the Hiſtorians of their Countrey, and the Annals of their Monaſteries. *And ſo we are thrown back upon the debate of their Authority, which I have gone through already. Let it therefore reſt upon their Credibility; only remembring that no ſuch King as* Donald *doth appear in their moſt ancient Genealogies.*

p. 115. 4. *He affirms,* That *Baronius* allows their Converſion by Pope *Victor,* and he made Eccleſiaſtick Hiſtory more his Task than the Biſhop of St. *Aſaph,* and was more diſintereſted. *It is poſſible, the Biſhop of St.* Aſaph *may have conſidered* Eccleſiaſtical Hiſtory *with as much Care as* Baronius *himſelf; but I dare ſay, with greater judgment and impartiality. And of all things I cannot but wonder at* the Advocate's *looking on* Baronius *as* more diſintereſted, *when the Converſion from a Pope was in queſtion. Which ſhews him to be ſuch a ſtranger to* Baronius, *that one would think he had never looked into him. For* Dempſter *is diſpleaſed with* Baronius, *as* one injurious to their Nation, as to this firſt Converſion; *ſaying,* that there were no Chriſtians in *Scotland* before *Palladius* but ſuch as fled thither out of this part of *Britain* becauſe of Perſecution. *And* Baronius *doth wonder that ſuch a* Converſion ſhould be omitted not only by *Bede* but by *Marianus Scotus.*

Dempſt. Appar. l. 1. c. 6.

Bar. A. D. 429. n. 2.

p. 117. 5. The *Magdeburgian* Centuries, *he ſaith,* agree with *Baronius;* and theſe are the Standards of Eccleſiaſtick Hiſtory to the Profeſſors of both Religions. *He had as good have ſaid they were the* Hercules Pillars *and there is no paſſage beyond them. But no learned* Profeſſors of either Religion *allow theſe to be* Standards. *How many Errors in* Baronius *have been diſcovered by the learned* Antiquaries *of his own Communion? What Complaints have been made of his partiality to the Court of* Rome, *not only by the* Sorboniſts *but by the King's* Advocates *in* France? *And as to the* Magdeburgians, *we commend them for their noble attempt, and great diligence and induſtry; but matters of Eccleſiaſtick* Antiquity *are extremely improved ſince that time. More ancient* Authors *having been publiſhed out of* MSS. *and better Editions by comparing the* Authors *before printed with MSS. and many counterfeit* Authors *diſcovered, and far greater Enquiries have been made into all parts of* Eccleſiaſtick Antiquities; *ſo that after ſo many new diſcoveries to make theſe the* Standards, *were almoſt as abſurd as to make* Ptolemy *the* Standard *for modern Geography. We do not diſparage what he hath done, when we ſay, many things have been found out ſince his time.*

p. 114. (2.) *As to the miſſion of* Palladius *into* Scotland, *the* Advocate *inſiſts on theſe three things,* 1. That *Bede* affirms that he was ſent to the *Scots* in *Britain.* 2. That there is no probability in the Circumſtances of his being ſent into *Ireland.* 3. That Dr. *Hammond* yields that the *Scots* were converted before *Celeſtine*'s time; and therefore it is more probable that *Palladius* was ſent Biſhop to them.

p. 119.

p. 122.

To

To these particulars I shall give a distinct Answer.

(1.) *To* Bede's *Testimony, he affirms*, that in the eighth of *Theodosius* the younger, *Palladius* was sent by *Celestine* the first Bishop to the *Scots* believing in Christ. *Wherein* Bede *only applies* Prosper's *Words to the eighth of* Theodosius, *which he had placed under* Bassus *and* Antiochus *Consuls*; *but he doth not determine whether these* Scots *were in* Ireland *or in* Britain. *But the Advocate saith*, all that which *Bede* saith before and after concerning the *Scots* relates to the *Scots* in *Britain*, and therefore these Words are so to be understood. *Whereas* Bede *in the very beginning declares*, That *Ireland* was the proper Countrey of the *Scots*; and that *Dumbritton Frith* did anciently separate the *Picts* and the *Britains*; but the *Scots* coming afterwards to the Northern part of that *Frith*, there settled themselves. *Which Words do evidently prove, that* Bede *did not look on the* Scots *as* ancient Inhabitants *there*; *for then he would have said, that the* Frith *did* antiquitus gentem Britonum à Scotis secernere; *but he never mentions the* Scots *but the* Picts *as the* ancient Inhabitants *on the Northern part of the* Frith. *But, saith the Advocate, Bede's* Title of his Chapter is of the ancient Inhabitants of *Britain*, and he mentions the *Scots* among them. *Very true*; *but shall not* Bede *explain himself whom he means by* the ancient Inhabitants; viz. *the* Britains *and* Picts? *For, by the Advocate's reasoning the* Saxons *will be proved to have been in* Britain *before* Julius Cæsar, *as well as the* Scots, *for they make up one of the* five Nations *spoken of in that* first Chapter. *And so* Bede *doth not only* settle the *Scots* and the *Picts* in this Countrey, by his first Chapter, *but the* English *too*. *And it is an extraordinary sagacity that can discover this* Chapter *in* Bede, *to be* clear to a Demonstration *that* he makes the *Scots* to be ancient Inhabitants in *Britain*; *whereas, to my dull apprehension* Bede *is clear the other Way.*

l. 1. c. 13.

l. 1. c. 1.

p. 60.

p. 65.

But the Advocate proceeds to shew, that the Name of *Scots* doth originally belong to the *Scots* in *Britain*, and only by way of Communication to those in *Ireland*. *This were indeed to the purpose if it were proved. And there ought to be the more care in doing it, since it is so new and singular an Opinion. For even* Buchanan *saith*, that the *Irish* were at first called *Scots*; and from thence they passed into *Albany*; and that by the Name *Scots* their coming from the *Irish* is declared. Joh. Major *saith*, that *Scotia* among their Ancestors was the common Name for *Ireland*. *And if their* ancient Annals *may be believed, the Name of* Scot *came from* Scota *the Wife of* Gathelos, *whose Posterity went first into* Ireland, *and then carried the Name into* Scotland. *In* Fordon *and* Elphinston *there is another* Scota *mentioned, as a Leader of the first Colony into* Ireland, *who gave the Name to that Countrey of* Scotia; *and* Joh. Major *saith*, She was the Mother of *Hiber*. *But whichsoever of these stands, unless the Advocate will at last give up the Cause of their* ancient Annals, *which he hath contended so warmly for, he must renounce this Opinion of his*, that the Name of *Scots* doth originally belong to the *Albian Scots*, and only by way *of* communication to the *Irish*; *so that there is no need to produce the plain Testimonies of* Orosius, Bede *and* Isidore, *which make Ireland* the proper Countrey of the *Scots*. *But it is a wonderful subtility from hence to infer, as the Advocate doth*, as if it might have been justly doubted, and were not true in all senses. *Doth he mean* proper *or* improper senses? *Their Words are plain that* Ireland *in a strict and* proper sense *was the* Countrey *of the* Scots, i. e. *the* Patria Originis, *though the other might afterwards be* Patria incolatus & Domicilii; *as the Advocate himself doth*

p. 146.

Buch. l. 2. p. 16. p. 18. 2. *Major. Hist. Scot.* l. 1. c. 9.

Oros. l. 1. c. 2. *Bed.* l. 1. c. 1. *Isidor. Orig.* l. 14. c. 6. p. 151.

di-

p. 152. *distinguish*; *but that which follows from hence is, that if the* Scots *came originally from* Ireland, *then the Name of* Scots *doth not originally belong to the* Scots *in* Britain, *but to those in* Ireland, *unless he can shew that the reason of the Name doth agree to them only upon their removal into* Britain. *As, to take his own instance*; *no one will question that the Colony of* Virginia *are called* English, *because the Inhabitants of the Countrey from whence they came are so called. But were not the* Irish *called* Scots *before they went into* Scotland? *If not, that could not be* propriè Scotorum Patria, *as* Orosius *and* Bede *and* Isidore *affirm*; *as* England *could not be said to be the proper Countrey of the* English *unless the Inhabitants were called* English; *and the Colony of* Virginia *received its denomination of being* English *because they came from hence. Unless therefore the Advocate be pleased to shew, that the Name of* Scots *doth so belong to the* Irish *upon their remove into* Britain, *that it could not agree to them in* Ireland, *it will be impossible for him to make out, that the Name of* Scots *doth originally belong to the* Irish *in* Britain, *and only by way of communication to those in* Ireland. *I have already shewed that* Jos. Scaliger *doth assign such a Reason of the Name of* Scoti *as agrees only to those who came over upon Expeditions*; *but I believe the* Scots *will take it far better to receive their Name from the* Irish Scots, *than to have had the* original *Name given them on such an Account.*

p. 109. (2.) *As to the Circumstances of* Palladius *his Mission, the main difficulty objected, is* from St. *Patrick's* being sent so soon after into *Ireland*; which needed not have been if *Palladius* were sent before thither and not rather into *Scotland*, whither *Bale* saith he went and died not, *A. D.* 431. but 434. *This is the force of what the Advocate saith upon this matter. But the Bishop of St.* Asaph *had proved from* Prosper, *that* Palladius *was sent to the* Scots *in* Ireland; *because he distinguishes* the two Islands, *the one he calls* Roman, *i. e.* Britain, *the other* Barbarous *where the* Scots *lived, to whom* Palladius *was sent*; *which could be no other than*
p. 116. Ireland. *To which the Advocate answers*, that the Northern part of *Britain* was by *Tacitus* and *Bede* said to be reduced into an Island by the *Roman* Wall from Sea to Sea; and *Bede* in other places calls the *Scots* Islanders. Tacitus *indeed saith, that by* Agricola's *Fortifications between the two* Friths, the *Britains* were driven as into another Island; *but this is a very different way of speaking from that of* Prosper, *who makes a distinction between* two proper Islands. *And* Prosper *could not be ignorant that* Festus Avienus *not long before*, viz. *in the time of* Theodosius, *had distinguished the* two Islands, *the one inhabited by the* Hiberni, *and the other he calls* Insula Albionum, *which takes in all that we now call* Britain. *But according to the old* Geographers, Ireland *was accounted one of the* British Islands; *as appears by the Testimonies of* Pliny, Apuleius, Ptolemy, Diodorus Siculus *and* Marcianus Heracleota, *which have been produced by others, and need not to be repeated here. But no one ever mentioned* Scotland *as a* distinct Island, *and therefore it is unreasonable to understand* Prosper *in that Sense.* Bede *mentions the* Insulani *in the Chapter referr'd to*; *but nothing can be plainer, than that he speaks of* the *Britains* on this side the Wall; who raised up the Wall of Turf between the two Friths for their own security against their Enemies beyond the Wall. *In the other place of* Bede, *the* Insulani *are to be understood of those of* Ireland, *as* Bede *clearly expresseth himself*, misso in Hiberniam exercitu. *But the ingenious Advocate hath a fetch beyond this, for he saith*, that *Bede* by *Ireland* meant *Scotland, which he sets himself to prove from this very passage. For, saith he,*

Usser. Primord. p. 722, *&c. War. Antiq. Hib.* c. 1. *Bed.* l. 1. c. 12. l. 4. c. 26.

he, the ſame thing that is firſt ſaid to be done in *Hibernia* is afterwards ſaid to be done in *Scotia*. *And might it not be ſo if* Ireland *were then called* Scotia, *as appears by the former Teſtimonies? But that* Bede *could not mean any other than* Ireland *appears from hence, that he ſaith*, the Nation which *Egfred* invaded had been always kind to the *Engliſh*; *and the* Iriſh Annals *give an account of the very Place and Time of* Egfred's *landing in* Ireland, *and the Captives he carried away from thence. But* Bede *elſewhere ſaith, the* Scots *in* Britain *had been great Enemies to them, as appeared by the Battel at* Degſaſtan, *where the whole Army of the* Scots *was almoſt cut off by* Edilfredus *King of* Northumberland, *and their King* Edan *fled; from which time none of the Kings of* Scotland *durſt appear in the Field againſt the* Engliſh. *Which argues no great kindneſs between them; but* Bede *ſaith, that theſe had been* Nationi Anglorum gens ſuper amiciſſima; *and therefore his Words muſt relate to the* Scots *in* Ireland. p. 153. Ogyg. p. 230. l. 1. c. 34.

" *But doth not* Bede *ſay*, that *Columbanus* came from *Ireland* to *Hy*, " and ſo to *Britain*; and afterwards that *Colman* returned to *Scotland*, " *i. e.* to *Hy* from whence *Columba came*; therefore *Scotland* was called *Ireland*; *or rather*, Ireland *was called* Scotia; *which is ſo clear in* Bede, *that I wonder that any that carefully read him can diſpute it. He ſaith indeed*, that the *Scots* had a Kingdom in *Britain*, *but where he ſpeaks of the Religion of the* Scots *he then means the* Scots *of* Ireland; *as will eaſily appear by the ſeries of his Diſcourſe. When he ſpeaks of* Laurentius *his care not only of the* Britains *but of the* Scots *too, he explains himſelf to mean thoſe who lived in* Ireland, *an* Iſland *near to* Britain. Columba, *he ſaith*, *came from* Ireland *to convince* the Northern Picts, *and obtained from their King the Iſland* Hy, *where he founded his Monaſtery, which he ſaith*, was the chief of all the Northern *Scots*, *not of thoſe in* Scotland *but in* Ireland. *For in the ſame Chapter he diſtinguiſheth* the *Scots* in the Southern Parts of *Ireland*, *from thoſe in the* Northern; *the former following the* Roman *Cuſtom of* Eaſter, *and the Northern refuſing it. From theſe* Aidanus *came*, *the firſt* Scotiſh *Biſhop who ſettled among the* Engliſh, *being ſent for by King* Oſwald. Furſeus, *ſaith he afterwards*, came from *Ireland*, being of the moſt noble Race of the *Scots*; *and there he mentions* the *Scots* of his own Nation, *and ſaith*, he had preached a great while in *Scotia* before he came into *England*; *but he never takes notice, after his coming over, of his being any where, but among the* Britains *before he went to the* Eaſt Angles. *After* Aidan's *death* Finan *came from the ſame* Scots, *who perſiſted in the old way of the keeping* Eaſter; *after* Finan Colman *ſucceeded, who was* miſſus à Scotia, *who maintained the ſame practice*; *and afterwards he returned home*, in Scotiam regreſſus eſt; *but what he means by it* Bede *preſently informs us, when he ſaith*, that *Tuda* ſucceeded, who had been brought up among the Southern *Scots*, i. e. *in the* Southern Parts *of* Ireland. Tuda *died of the Plague, which* Bede *ſaith paſſed into* Ireland, *whither many* Engliſh *went in the time of* Finan *and* Colman, *who were all kindly received by the* Scots. *When* Colman *returned*, Bede *ſaith*, he went firſt to *Hy*, then to an Iſland on the Weſt of *Ireland*; *but not a Word of the* Northern Parts *of* Britain. *Afterwards he ſheweth how the greateſt part of the* Scots *in* Ireland *were brought to compliance in the point of keeping* Eaſter *by means of* Adamnanus, *who endeavoured to reduce thoſe of* Hy *but could not*; *but upon* Egbert's *coming to them from* Ireland, *the* Scotiſh *Monks of the Iſland* Hy *or* Jona *yielded, when* Duunchadus *was* p. 155. l. 2. c. 4. l. 3. c. 4. c. 3. c. 3, 5. c. 19. c. 25. c. 26. c. 27. l. 4. c. 4. l. 5. c. 16. c. 13.

Abbat there. And now let any indifferent Reader judge, whether by Scotia Bede *underſtands the* Northern Parts of *Britain* or *Ireland.*

p. 156. " *But after all,* doth not *Bede* ſay, That the Iſland *Hy* did belong to " *Britain* as a part of it? *And what then follows? Doth not* Bede *in the ſame place, ſay, it was given be the* Picts *not by the* Scots *to the* Scotiſh *Monks who came from* Ireland? *So that upon the whole matter, that which* Bede *underſtands by* Scotia *ſeems to be* Ireland, *although he affirms the* Scots *to have ſettled in the* Northern Parts of *Britain, and to have ſet up a Kingdom there.*

From whence there appears no probability of Palladius's *being ſent to* the Scots *in* Britain; Bede *ſaying nothing of* their Converſion, *when he ſo*
l. 3. c. 4. *punctually ſets down the* Converſion *of* the South Picts *by* Ninias *a* Britiſh Biſhop *and of* the Northern Picts *by* Columba, *a* Scotiſh *or* Iriſh Presbyter.

" *But if* Palladius *were ſent* to the Scots *in* Ireland, *how came St.* Pa- " trick *to be ſent ſo ſoon after him? To this* the Biſhop *of* St. Aſaph *anſwers,* that Palladius *might die ſo ſoon after his* Miſſion that Pope *Celeſtine might have time enough to ſend* St. Patrick *before his own* death. *And* this *he makes out by laying* the ſeveral Circumſtances *of* the Story together, *as*
p. 120, 122. *they are* reported by Authors, *which* the Advocate *calls* a laborious Hypotheſis, and elaborate contrivance to divert all the unanſwerable Authorities, proving that *Palladius* was ſent to them in *Scotland, A. D.* 431. *What* thoſe unanſwerable Authorities *are, which prove* Palladius *ſent* to the Scots *in* Britain *I cannot find. And for all* that I ſee by this Anſwer, *the only* fault *of* the Biſhop's Hypotheſis *is, that it is* too exact, *and doth* too much *clear* the appearance *of* contradiction *between* the two Miſſions.

(3.) *As to Dr.* Hammond's Teſtimony (*who is deſervedly called by* the Advocate, a learned and Epiſcopal *Engliſh* Divine) *it is very eaſily an-*
p. 122. Vindication of the Diſſertation about Epiſcopacy, p. 160, &c. *ſwered. For,* 1. *He looks on* the whole Story *of* the *Scots* Converſion as very uncertainly ſet down by Authors. 2. *He ſaith,* That *Bozius* applies the Converſion under *Victor* to *Ireland,* then called *Scotia*; for which *he quotes* Bede. 3. *That neither* Marianus Scotus *nor* Bede *do take* the leaſt notice of it. 4. *That if* Proſper's *Words be underſtood of the* Scots *in* Britain, *yet they do not prove* the thing *deſigned by his Adverſaries,* viz. *That* the Churches there *were governed by* Presbyters without Biſhops; *for* Proſper *ſuppoſes* that they remained barbarous *ſtill, and therefore* the Plantation *was very imperfect, and could not be underſtood of any formed* Churches. *But* the Advocate *very wiſely conceals one paſſage* which overthrows *his* Hypotheſis, *viz.* That they could not be ſuppoſed to receive the firſt Rudiments of their Converſion from *Rome, viz.* under Pope *Victor,* ſince the *Scots* joined with the *Britains* in rejecting the *Roman* Cuſtoms. *From whence we ſee, that Dr.* Hammond *was far from being of* the Advocate's *mind in this matter; and what he propoſes as to ſome* Rudiments *of* Chriſtianity *in* Scotland *before* Palladius *his coming* thither, *was only from an uncertain* Tradition, *and for reconciling the ſeeming differences between* Bede *and* Proſper; *or rather for reconciling* Proſper *to himſelf.*

p. 135. *But I remember* the Advocate's *Obſervation in* the Caſe *of* their Predeceſſor's Apology *againſt* Edward I. *viz.* That they deſigned, as moſt Pleaders do, to gain their Point at any rate; *and how far* this eloquent Advocate *hath made good this Obſervation through* his Diſcourſe *I leave* the Reader *to determine.*

Having

Having thus gone through all the material Parts *of* the Advocate's *Book, I ſhall conclude with a ſerious* Proteſtation *that no* Pique *or* Animoſity *led me to* this Undertaking, *no* ill Will to the *Scotiſh* Nation, *much leſs to* the Royal Line, (*which I do believe hath* the Advantage *in point of* Antiquity *above any other in* Europe, *and as far as we know in* the World.) *But I thought it nececeſſary for me to enquire more ſtrictly into* this Defence *of ſuch pretended* Antiquities; *both becauſe I owed ſo much ſervice to ſo worthy and excellent a Friend as* the Biſhop *of St.* Aſaph, *and becauſe if* the Advocate's *Arguments would hold good, they would* overthrow *ſeveral* things *I had aſſerted in the following Book; and withall, I was willing to let* the learned Nobility and Gentry of that Nation *ſee how much they have been impoſed upon by* Hector Boethius *and his followers; and that* the true Honour and Wiſdom of their Nation *is not concerned in defending ſuch* Antiquities, *which are univerſally diſeſteemed among all judicious and inquiſitive Men. And it would far* better *become Perſons of ſo much* Ingenuity *and* Sagacity, *to follow the Examples of other* European Nations, *in rejecting* the Romantick Fables *of* the Monkiſh Times, *and at laſt* to ſettle their Antiquities *on firm and ſolid* Foundations.

As to the following Book, it comes forth as a Specimen *of a* greater Deſign, (*if* God *gives me* Life *and* Opportunity) *which is to clear the moſt* important Difficulties *of* Eccleſiaſtical Hiſtory. *And becauſe I look on a* General Church Hiſtory, *as too heavy a* Burthen *to be undergone by any Man, when he is fit for it by Age and Conſideration, I have therefore* thought it the better way *to undertake ſuch* particular Parts of it *which may be moſt uſeful, and I have now begun with* theſe Antiquities *of* the Britiſh Churches; *which may be followed by others as I ſee occaſion. But I hope none will have juſt cauſe to complain that I have not uſed diligence or faithfulneſs enough in this preſent Work, or that I have ſet up Fancies and* Chimæra's *of my own inſtead of* the true Antiquities *of* the Britiſh Churches. *I have neither neglected nor tranſcribed thoſe who have* written *before me; and if in ſome things I differ from them, it was not out of the Humour of oppoſing any great Names, but becauſe I intended not to deliver other Mens Judgments, but my own.*

THE

THE ANTIQUITIES OF THE British-Churches.

CHAP. I.

Of the firſt Planting a Chriſtian Church in *Britain* by St. *Paul.*

NO Chriſtian Church planted in Britain, *during the Reign of* Tiberius.
Gildas *his Words miſ-underſtood.*
The Tradition concerning Joſeph *of* Arimathea *and his Brethren coming to* Glaſſenbury, *at large examined.*
No Footſteps of it in the Britiſh *times.*
The pretended Teſtimonies of Britiſh *Writers diſproved.*
St. Patrick's *Epiſtle, a Forgery.*
Of the Saxon *Charters, eſpecially the large one of King* Ina.
The Antiquity of Seals in England.
Ingulphus *his Teſtimony explained.*
All the Saxon *Charters ſuſpicious, till the end of the ſeventh Century.*
The occaſion of this Tradition, from an old Britiſh *Church there.*
The Circumſtances about Joſeph *of* Arimathea *and* Arviragus *very improbable.*
Sir Henry Spelman *vindicated.*
The State of the Roman *Province in* Britain *about that time.*
No ſuch King as Arviragus *then.*
Not the ſame with Caractacus.
A Chriſtian Church proved to be Planted here in the Apoſtles times.

The Authentick Teſtimonies of Euſebius, Theodoret, *and* Clemens Romanus *to that purpoſe.*

St. Paul *in Probability, the firſt Founder of a Church here.*

The Time and Opportunity he had for it, after his Releaſe.

Of Pomponia *and* Græcina, Claudia Rufina, *Chriſtians at* Rome, *and their influence on his coming hither.*

St. Peter *and St.* Paul *compared, as to their Preaching here, and the far greater Probability of St.* Paul's.

IT is an Opinion generally received among our later Writers, as (*a*) one of them tells the World, *That the Converſion of the* Britiſh *Nation, to the Chriſtian Faith, was performed towards the latter end of the Reign of* Tiberius Cæſar, *i. e.* about thirty ſeven years after Chriſt's Nativity. But whoſoever compares the Circumſtances of thoſe times, and conſiders the ſmall number of the years between our Saviour's Paſſion, and the death of *Tiberius*, will find very little Probability, of the founding a *Chriſtian* Church ſo ſoon, in a place ſo remote as *Britain.*

(*a*) *Animadverſ. on the Church Hiſt. of* Britain, *p.* 5, 6.

To make this appear, I ſhall not inſiſt upon the Teſtimony of *Apollonius* in (*b*) *Euſebius*, concerning the ancient Tradition, *That our Saviour commanded his Apoſtles, not to depart from* Jeruſalem *within twelve Years after his Aſcenſion*; nor on that of the (*c*) *Alexandrian Chronicle*, wherein it is ſaid, *That the Apoſtles did not ſeparate, till after the Council at* Jeruſalem; nor on that of *Hippolytus Thebanus* in (*d*) *Glycas*, and of *Euodius* in (*e*) *Nicephorus*, who reckon *the Martyrdom of St.* Stephen, *to be ſeven Years after Chriſt's Reſurrection* (which ſome learned (*f*) Chronologers think more probable, than the common Computation which allows but one) before which time it is not pretended by any, that the Diſciples were diſperſed abroad.

(*b*) Euſeb. *Hiſt. Eccleſ. l.* 5. *c.* 18.

(*c*) *Chron.* Alex. *p.* 50.

(*d*) Glyc. *Annal. p.* 3. *p.* 227.

(*e*) Niceph. *l.* 2. *c.* 3

(*f*) Cappel. *Cent. Eccleſ. Chriſtian.* A.D. 38.

But that which is of greater force and certainty, is, ſuppoſing the diſperſion to have been within the Reign of *Tiberius*, yet the Scripture gives ſuch an Account of the Extent, and Deſign of the Diſciples preaching upon it, as utterly overthrows any Probability of their coming hither, for the Words are, *Now they which were ſcattered abroad upon the Perſecution, that aroſe about* Stephen, *travelled as far as* Phenice, *and* Cyprus, *and* Antioch, *Preaching the Word unto none, but unto the* Jews *alone.* But the neareſt of theſe places, is at a great diſtance from *Britain*, and if they Preached to none but to the *Jews*, they were not likely to convert the *Gentile Britains.* (*g*) *Baronius* grants, *A. D.* 35. *That hitherto the* Jews *had only the Goſpel preached to them*; Although at the ſame time he pleads for the Tradition of *Lazarus*, *Mary Magdalen*, *Martha and Marcella, coming then with Maximinus in a Ship without Oars to Marſeilles*, with a deſign, no doubt, to ſpread the Goſpel among the *Gentiles* in *Gaul*, for (*h*) *Lazarus* is ſuppoſed to have been Biſhop of *Marſeilles*, and *Maximinus* of *Aix.* And he adds out of a Manuſcript in the *Vatican Library* (which not only, like the *Houſholder* in the Goſpel, *brings forth things New and Old*, but ſometimes things *New* for *Old*, as happens in the Caſe of this Manuſcript, it being lately written, as (*i*) *Archbiſhop Uſher* hath obſerved) *That* Joſeph *of* Arimathea *did bear them Company, and came over into* Britain, *to Preach the Goſpel*;

Act. 11. 19.

(*g*) Baron. *ad A. D.* 35. *n.* 5.

(*h*) Boſqu. *Hiſt Eccleſ Gallic. l.* 1. *c.* 3.

(*i*) Uſſer. *de Primord. p.* 15.

Which

Which according to his own Suppoſition, muſt be only to the *Jews* in *Britain*, if there were any here; But if it be underſtood of the *Gentiles*, (*k*) *Jac. Sirmondus* ſaith in plain Terms, *This Tradition contradicts the Scripture*; *For* ſaith he, *If the People of* Marſeilles (or *Britain*) *had the Goſpel Preached to them ſo ſoon, how comes it to paſs, that ſix Years after*, Cornelius *is ſaid to be the firſt Fruits of the* Gentiles? *And that upon the Incouragement of his Example, thoſe of the Diſperſion, began to Preach to the* Gentiles *at* Antioch? Which is confeſſed by (*l*) *Baronius* himſelf. The ſtrength of which Argument hath prevailed ſo much in *France*, that the (*m*) Defenders of this Tradition, have been there contented to let go the Reign of *Tiberius*, and to place it a great deal later, *Anno Dom.* 62. (*n*) For they evidently ſaw, there was no Poſſibility of defending it upon other Terms, although hereby they make *Lazarus* and *Joſeph* of *Arimathea* of great Age, when they undertook this Voyage with their *Companions*: But when ſuch a Tradition is either wholly rejected there, as diſagreeing to the Scripture, or ſet ſo much later, on purpoſe to reconcile it to the *Acts* of the *Apoſtles*, it cannot but ſeem ſtrange among us, that there ſhould be ſuch an Opinion ſtill ſo generally received, *That the Goſpel ſhould be here Preached before the end of the Reign of* Tiberius.

(*k*) Sirmond. *de duobus* Dionyſiis, *c.* 1.

(*l*) Bar. *A.* D. 41. *n.* 15.

(*m*) *V.* Launoi *Opuſc. de* Lazaro, *&c. p.* 348.

(*n*) Natal. Alex. *Hiſt. Eccleſ Sæc.* 1. *Part.* 2. *p.* 80.

But that which hath miſ-led moſt of our Writers, hath been a paſſage in *Gildas*, which they have applied to *the particular Preaching of the Goſpel* in Britain, whereas it ſeems onely to be underſtood of the *General Liberty of Preaching it throughout the World*, as will beſt appear by conſidering, not barely the Words, but the Circumſtances of them. (*o*) *Gildas*, having undertaken to give ſome Account of the ancient *Britiſh* Church in the beginning of his *Epiſtle*, In the firſt place, ſadly laments the want of any Domeſtick Monuments, to give him certain information. *For*, ſaith he, *If there were any ſuch, they were either burnt by our Enemies, or carried ſo far by the Baniſhment of our Countrymen, that they no longer appear, and therefore he was forced to pick up what he could out of Foreign Writers, without any continued Series.* From hence, he proceeds to ſpeak *of the* Romans *eaſie Conqueſt of* Britain, *but Difficult keeping of it, the Inhabitants being ſo unable to withſtand the* Romans, *and yet ſo unwilling to obey them.* Of which he gives a Remarkable Inſtance, in the *Revolt* under *Boadicea*, and the harder uſage of the *Britains* after it. *Interea*, ſaith he,

(*o*) Gild. *Epiſt. ed.* Joſſelin. 1568.

Interea glaciali frigore rigenti Inſulæ, & veluti longiore terrarum receſſu, ſoli viſibili non proximæ verus ille non de firmamento ſolum (*L. Sol*) temporali, ſed de ſumma etiam cœlorum arce tempora cuncta excedente univerſo orbi præfulgidum ſui corruſcum oſtendens tempore (ut ſcimus) ſummo Tiberii Cæſaris (quo abſque ullo impedimento ejus propagabatur Religio comminata ſenatu nolente à Principe morte dilatoribus militum ejuſdem) radios ſuos primum in-

In the mean time, Chriſt the true Sun afforded his Rays, that is, the knowledge of his Precepts to this Iſland, ſhivering with Icy-cold, and ſeparate at a great diſtance from the viſible Sun, not from the viſible Firmament, but from the Supreme everlaſting Power of Heaven. For we certainly know, that in the latter end of the Reign of Tiberius, *That Sun appear'd to the whole World with his Glorious Beams, in which time his Religion was propagated without any impediment againſt the Will of the Ro-*

dulget, id eſt ſua præcepta Chriſtus. §. 6.

man Senate, death being threatned by that Prince, to all that ſhould inform againſt the Soldiers of Chriſt.

This I take to be *Gildas* his true meaning: For it is certain, he ſpeaks of a double ſhining of the Goſpel, one more *General* to the World, the other more *particular* to this Iſland: *The former*, he ſaith, was *in the latter end of* Tiberius; The *latter* was, *Interea*, *In the mean time*, of which he firſt ſpeaks, and that refers back to the time he had ſpoken of before, which was the fatal Victory over *Boadicea*, and the *Britains*, by *Suetonius Paulinus*, and the ſlavery they underwent after it. Which happen'd in the time of *Nero*, about the middle of his *Reign*, almoſt twenty years after *Claudius* had ſent *A. Plautius* to reduce *Britain* into the form of a *Province*, to whom ſucceeded *P. Oſtorius Scapula*, *A. Didius Gallus*, and *Veranius*, in the Government of *Britain*, before *Suetonius Paulinus* came into the Province. For after *Claudius* his *Triumph* for his Victory in *Britain*, the *Romans* began to deduce Colonies, to ſettle Magiſtrates and Juriſdictions here, after the manner of other *Provinces*, and ſo continual intercourſe was maintained between the *Roman City*, and the *Britiſh Colonies*; Cities of Trade were ſet up, and the *Roman* Merchants were very buſie in furniſhing new Provinces with neceſſaries, and Superfluities: And the *Province* of *Britain*, in the beginning of *Nero*'s Reign was thought to be in ſo ſettled, and flouriſhing a condition, that (*p*) *Dio* ſaith, Seneca, *had here at one time to the value of* 3c0000 *p.* as Mr. *Camden* computes it. A vaſt ſum for a Philoſopher! But that which I infer from hence is, That this was a very probable time, which *Gildas* hath pitched upon, for the bringing the Goſpel hither, *viz.* between the time of *A. Plautius*'s coming over, in the time of *Claudius*, and the Battel between *Boadicea*, and *Suetonius Paulinus*, as will more fully appear in the following diſcourſe, As to the more *General ſhining of the Goſpel to the World*, he pitches upon the *latter end of* Tiberius, as the certain time of it, in which he makes uſe of the very Expreſſions of (*q*) *Euſebius*, and that paſſage *concerning* Tiberius *and the Senate differing about Chriſt and his followers*, which *Euſebius* took from (*r*) *Tertullian*, who ſpeaks of it with great aſſurance; And (*s*) *Oroſius* gives a more particular account of it, all which is very agreeable to what *Gildas* had ſaid before, *That he muſt make uſe of Foreign Writers in ſo great a defect* of their own.

(*p*) Xiphilin. *in* Neron.

(*q*) Euſeb. *Hiſt. Eccleſ. l.* 2 *c.* 2.

(*r*) Tertul. *Apolog. c.* 5.

(*s*) Oroſ. *l.* 7. *c.* 4.

But to proceed clearly in this matter, there are three things I deſign, concerning the firſt planting a Chriſtian Church here.

1. To examine the *Tradition*, concerning *Joſeph* of *Arimathea*, and his Brethren coming hither to plant Chriſtianity.

2. To ſhew that there was a Chriſtian Church planted here, in the *Apoſtles times*, and within that compaſs *Gildas* ſpeaks of.

3. To prove the great probability, that St. *Paul* firſt founded a Church here.

1. As to the *Tradition* concerning *Joſeph* of *Arimathea*; I confeſs I look on it, as an *Invention* of the *Monks* of *Glaſſenbury* to ſerve their Intereſts, by advancing the Reputation of their Monaſtery. But becauſe

becauſe this *Tradition* hath met with better Entertainment than it deſerved, among the generality of our late Writers, who took it for granted, and believed that it is grounded on the Teſtimony of ancient *Records*; I ſhall, before I proceed farther, take the pains to examine it, both as to the *Authority*, and the *Circumſtances* of it.

It ſeems to be a little Suſpicious, at firſt view, that ſo conſiderable a part of the *Antiquities* of this Church ſhould be wholly paſt by, by the moſt ancient and inquiſitive Writers of our Affairs; So that neither the true *Gildas*, nor *Bede*, nor *Aſſerius*, nor *Marianus Scotus*, nor any of the ancient *Annals* ſhould take the leaſt notice of this Tradition. (*t*) *Sanders* indeed ſaith, *That* Polydore Virgil *proves it from the moſt ancient* Gildas, but he never attempted any ſuch thing: For having ſet down the Tradition of *Joſeph* of *Arimathea*, with the beſt advantage, he only proves from *Gildas*, *That the Chriſtian Religion was very early received here*, which might be very true, although *Joſeph* had never come from *Arimathea*. And yet, (*v*) *Card. Bona* quotes *Gildas* for this *Tradition*, on the credit of *Sanders*, unleſs he were deceived by thoſe who produce the Teſtimony of *Gildas Albanius*, in his *Book* of the *Victory* of *Aurelius Ambroſius* to the ſame purpoſe. But no ſuch Book of the true *Gildas* could ever yet be found by thoſe who have ſearched after it with the greateſt diligence. (*w*) *Leland* particularly relates, concerning himſelf, *What incredible pains he took to find out this piece of* Gildas, and ſaith, *That he hoped at laſt to have met with it in the Library at* Glaſſenbury, *where* Gildas *is ſaid by* William *of* Malmesbury, *to have ended his days, but not a Leaf of it was to be ſeen, either there, or in any of the Old Libraries in* Wales, *which he ſearched on purpoſe*. And after all, he refers us to the credit of (*x*) *Geoffrey* of *Monmouth*, for it, where it muſt reſt, till ſome better Authority be produced for it: Yet *Bale*, and *Pits*, keep up the Title of it, as they do of many others which were never in being, as the *Annals* of *Gildas Cambrius*, the *Epigrams* of *Claudia Rufina*, and the *Epiſtles* of *Joſeph* of *Arimathea*, &c. which *Bale* thinks Probable, *that he did Write*, and therefore ſets them down as *Written:* And from him a learned (*y*) Antiquary reckons them among our *Hiſtorical Antiquities*. And no better Foundation can yet be diſcovered for this Book of *Gildas*, it being *as probable, that he ſhould write a Book* of that *Victory of* Ambroſius, ſince *Gildas* ſaith, *He was born upon the day of his obtaining it*, if it were that on *Badon-Hill*. But ſuch *Probabilities*, are very far from *Teſtimonies*. It is true, as the (*z*) learned *Primate* obſerves, *That* Gervaſe *of* Tilbury, Nauclerus, Trithemius *and many others, ſay, That* Geoffery *followed* Gildas *in ſuch a Book written by him:* But they produce no Authority for any ſuch Book, but *Geoffrey* himſelf, and untill ſome better appears, I muſt ſuſpend my belief: It being common with ſuch Writers as himſelf, to pretend to ſuch Authorities, as no one elſe ever had the fortune to find. For it being their buſineſs to give an account of times long before their own, it were a vain thing to hope for any Credit, unleſs they could produce ſome *Teſtimonies* nearer thoſe times, which might be of ſome weight if they were Authentick. And this is the Reaſon, why theſe Inventers of Hiſtory have ſtill given out, that they met with ſome Elder Writers, out of whom they have pretended to derive their Reports. Thus (*a*) *Hunibaldus* pretends, as much to follow the Old *Sicambrian* Manuſcripts of *Waſthald*, for the remote *Antiquities* of the *Franks*, as *Geoffrey* doth the Old *Britiſh* Manuſcripts, either

(*t*) Sanders *præf. ad libr. de Schiſm. Anglic.*

(*v*) Bona, *Rer. Liturgic. l. 1. c. 7.*

(*w*) Leland *de Scriptor. in* Gilda.

(*x*) Galf. Mon. *l. 2 1. c. ed.* Badii Aſ.

(*y*) Warts *Inſtrumento to Hiſtoric. Manuſcript.*

(*z*) *Primord. c. 5. p. 57.*

(*a*) *Apud* Trithem. *Compend. Annal. l. 1.*

either for the Succeſſion of the *Britiſh Kings*, or the firſt bringing of Chriſtianity hither. But which makes this matter yet ſtranger, (*b*) *Nennius* himſelf, who ſometimes paſſes under the Name of *Gildas*, ſaith nothing of this *Tradition*, where he ſpeaks of the firſt receiving of Chriſtianity in *Britain*; and yet *Bale* ſaith of him, *That he collected his Writings out of the former* Britiſh *Hiſtorians*, ſuch as *Telieſin*, *Melkin*, *Gildas*, and *Elvodugus*; and it is not probable, he would have left it out, if he had found it in any of them. But (*c*) *Bale* quotes one of theſe *Britiſh* Authors, *viz. Melkinus Avalonius* for this Tradition about *Joſeph* of *Arimathea*, and *Arviragus*; but withall he confeſſes him to be a very *fabulous Writer*. (*d*) *Leland* ſaith, *That he met with the Fragments of* Melkinus *in the Library at* Glaſſenbury, *by which he underſtood that he had written ſomething of the* Britiſh *affairs, but more eſpecially concerning the Antiquity of* Glaſſenbury, *and* Joſeph *of* Arimathea; *Which, ſaith* Leland, *he affirms without any certain Author, and which himſelf could not approve, not thinking it at all Credible, that* Joſeph *of* Arimathea *ſhould be buried there, but rather ſome* Eremit *of that Name, from whence the miſtake firſt aroſe.* And (*) elſewhere, when he ſpeaks of the *Glaſſenbury Tradition*, He ſaith, *That twelve* Eremits *are reported to have come hither, with one* Joſeph *in the Head of them, but not he of* Arimathea *as he ſuppoſes.* But ſtill the *Teſtimonies* that concern this matter are derived from *Glaſſenbury*, inſomuch that even the Britiſh Hiſtorian hath the name of *Avalonius* from thence. But ſome make uſe of this Teſtimony however to prove the *Antiquity* of this *Tradition*, ſince this Author is ſaid to have lived *Anno Dom.* 550. under King *Vortuporius*, ſo *Bale*; but *Pits* places him ten years later, under *Magoclunus*: They might as well have made him contemporary with *Gildas Cambrius*, or to have been Secretary to *Joſeph* of *Arimathea*, when he wrote his *Epiſtles*, for they have no more Evidence to ſhew for the one than for the other. The truth is, there was an *old Legend* which lay at *Glaſſenbury*, which *Leland* ſaw, and out of which *Capgrave* hath tranſcribed that part which concerns this matter, from whom *Bale* took it: But it is ſo groſly fabulous, that even *Capgrave* himſelf (whoſe Stomach was not very nice as to Legends) put an *&c.* in the middle of it, as being aſhamed to ſet down the paſſage of *Abaddar, a great man in* Sephat, *and the hundred and four thouſand which were buried with* Joſeph *of* Arimathea *at* Glaſſenbury. Yet this ſenſleſs and ridiculous Legend is by (*e*) ſome thought to be the *Britiſh Hiſtory* which *William* of *Malmesbury* appeals to for the *proof* of this *Tradition*; and, which he found in the *Libraries* of St. *Edmund* and St. *Auguſtin*. But *Malmeſbury*, having deſigned to ſet the *Antiquity* of *Glaſſenbury* as high as he could, called that a *Britiſh Hiſtory*, which is now found to be written by an *Engliſh Monk*, as (*f*) *Archbiſhop Uſher* hath evidently proved (having ſeveral times peruſed it in the *Cotton Library*) there being the very ſame paſſage in it which *Malmesbury* quotes. And that he was no *Britain* is moſt certain, becauſe he calls the *Saxon* his *Mother-Tongue*, and *England* his *Country*. And yet after all, there is not a word of *Joſeph* of *Arimathea* or his *Companions* in it; all that is ſaid, "That in "the Weſtern parts of *Britain* there is a Royal Iſland called *Gleſton*, "large and compaſſed about with Waters full of Fiſh, and having o-"ther conveniences of humane life; but, which was moſt conſidera-"ble, it was devoted to the Service of God. Here the firſt Diſciples "of the Catholick Law found an ancient Church, not built as was re-"ported

(*b*) Nen. *c.* 18.

(*c*) *Bal. de Script. Brit. l.* 1. *p.* 57.

(*d*) Leland *de Script. in* Melkino.

* Leland, *in Eluano.*

(*e*) Spelman. *Conc. Brit. To.* 1. *p.* 11.

(*f*) Uſſer. *de Prim. p.* 107.

" ported by mens hands, but prepared by God himself for the benefit " of Men, and which by Miracles was shewed to be consecrated to him- " self and to the Blessed Virgin. To which they adjoined another Ora- " tory made of Stone, which they dedicated to *Christ* and to St. *Peter*. The question is, Who are here meant by these *first Disciples of the Catholick Law?* not *Joseph* of *Arimathea* and his *Companions*, who are never mentioned by him, and who are never said *to have found a Church there built to their hands*, but he speaks of some of the first *Saxon Christians* in those parts, who might probably find there such a low Wattled Church as is described in Sir *H.* (*g*) *Spelman*; a Remainder of the *British* Christianity in that Island. And this Passage affords us the best light into the true *Original* of this *Tradition*, which was after so much heightned and improved, as the Monks of *Glassenbury* thought convenient for the honour and privileges of their Monastery.

(*g*) *Concil. Brit. p.* 15.

That which seems most agreeable to Truth from hence is, That in the latter times of the *British Churches*, when they were so miserably harassed and persecuted by the *Pagan Saxons*, they were forced to retire into places of most difficult access for their own Security, and there they made them such *Churches* as were suitable to their present condition, and lived very retired lives, being in continual fear of their barbarous Enemies. Such a place this *Island* of *Avalon*, or *Glassenbury* was; which might be of far greater request among the *Britains*, because it was the place where King *Arthur* was buried; for I see no reason to question that which *Giraldus Cambrensis* relates concerning the finding the Body of King *Arthur* there in the time of *Henry* II. with an Inscription on a *Leaden Cross*, which in Latin expressed, that *King* Arthur *lay there buried in the Island of* Avalon, For (*h*) *Giraldus* saith, *he was present, and saw the Inscription and the Body*; which is likewise attested by the Historians of that time, as (*i*) *Leland* proves at large. And the account given that his Body was laid so deep in the Earth, for fear of the *Saxons*, farther confirms, That this was a place of retreat in the *British* times, but not without the apprehension of their Enemies Invasion.

(*h*) Girald. *de Instit. Princ. & in Specul. Eccles.*
(*i*) Leland, *Collec. Vol. 2. p. 14. Assert Arthuri p. 28. &c.*

This Church, according to the Inscription on the Brass Plate on the Pillar in *Glassenbury* Church, was in length 60 Foot, in breadth 26. But that Inscription, as the learned and judicious Antiquary * Sir *H. Spelman* observes, *was by the Character not of above* 300 *Years Antiquity*, and savours very much of the Legend. In it we read, " That the " Church was first built by *Joseph* and his Companions, but was con- " secrated by *Christ* himself to the Honour of his Mother. This being a very useful point, but not very agreeing with the simplicity of the primitive Christians, wanted some more than ordinary confirmation, and such we are told it had. " For St. *David* having a design to " consecrate this Church, our Lord appeared to him in a Dream, and " forbad him, having consecrated both the Church and Church-yard " before himself. And, for a Sign thereof, he thrust his Finger " through the Bishop's hand. Which it seems was to pass for the Token of a former Consecration. But, as much as this looks like a Monkish Legend, (*k*) *Alford* and (*l*) *Cressy* are much displeased with Sir *H. Spelman* for calling it in question. But they who can in earnest believe, *That* Christ *himself did then consecrate a Church and Church-yard to the honour of his Mother*, are past all Confutation by reason, having their minds naturally framed to believe *Legends*; and to such

* *Concil. Brit. p* 14.

(*k*) *Annal. Eccl. A.D. 63 n. 25.*
(*l*) *Church Hist. l. 2. c. 8.*

such, one *Legend* serves to confirm another; which is the way those persons take to confute Sir *H. Spelman*. For *Cressy*, to prove the Antiquity of dedicating Churches to the *blessed Virgin*, brings the Tradition of the Temple at *Saragossa*, called *del Pilar, because the Pillar on which her Image was placed was brought thither by the Ministery of Angels*. Now those things are thought Proofs by some, which to others look only like bringing one Absurdity to support another. But as yet we find no Testimony to confirm this Tradition, but what is taken from *Glassenbury*, which is not the best Witness in a Cause which so nearly concern'd it self.

(m) Alford. *ib.n.* 29. Cressy, *l.* 2. *c.* 7.

But these now mentioned Authors (*m*) at last venture on a considerable Testimony, if it hold good, *viz.* of Augustin *the Monk, in an Epistle to* Gregory, but upon Examination, that which they quote out of St. *Augustin*'s Epistle is nothing else but the passage already mentioned by *Malmesbury*, which he found in a Book taken out of the *Library* of St. *Augustin* at *Canterbury*; and they might as well have quoted St. *Edmund*'s Epistle to the *Pope* to the same purpose. For *William* of *Malmesbury* saith, *He met with the same passage at St.* Edmund's *as well as St.* Augustin's, *i. e.* in the Libraries of those Monasteries; I will not dissemble that they cite two considerable (*n*) Authors of our own for this mistake; I wish they had been as ready to have followed them where they were in the right, as where they were guilty of an oversight, which the most careful Writers may sometimes fall into. But it is an unhappy temper to follow Great Men only in their Errours and Imperfections.

(n) *Antiq. Brit. p.* 3. Godwin, *de Præsul. p.* 12.

So that upon the whole matter, we have not one Testimony which reaches to the point concerning *Joseph* of *Arimathea*, which is not originally taken from the *Glassenbury Legends*, where it seems there was great choice of them; For (*o*) *Capgrave* mentions several, one, out of which the Life of *Joseph* of *Arimathea* there is extracted, is said to be taken out of a Book which the *Emperour* Theodosius *found in the Palace of* Pilate *at* Jerusalem; which is a very hopeful Introduction to a Legend; And there we find the History of *Joseph* of *Arimathea*, very distinctly set down, "How he was miraculously delivered out of "Prison in *Jerusalem* and conveyed to *Arimathea*, whither the chief "of the *Jews* sent a solemn Embassy to him of seven Persons, with an "Epistle, wherein they beg Pardon for his Imprisonment, and desire "his Company at *Jerusalem*, whither being come, upon their request, "he gives an account of his Escape, the house being taken up by four "Angels, and *Christ* appeared to him, and carried him to the place "where he buried him, and shewed him the Linen Cloth about his "Head, after which he was baptized by *Philip*, and was present with him "at the Assumption of the Blessed Virgin, and fifteen years after he came "to *Philip* in *Gaul*, who sent him over into *Britain* with twelve of "his Disciples and his Son *Josephus*. But another Tradition saith, "They were six hundred Men and Women who were to come over, "having taken a Vow of Abstinence till they came to the Land, "which they did all break, but one hundred and fifty who passed the "Sea upon the Shirt of *Josephus*, but the rest repenting, a Ship was "sent to convey them over which was built by King *Solomon*, and "with them came a Duke of the *Medes* called *Nacianus*, formerly "baptized by *Joseph* in the City *Sarum*, with the King of it called "*Mordraius*, who valiantly killed a King of *North-Wales*, who kept

(o) Capgr. *in vita* Josephi.

"*Joseph*

" *Joſeph* a Priſoner; After which he and his Companions preached " here in the time of *Arviragus*. And then follows the common Tradition, " of his giving the Iſland of *Avalon* to them, and the twelve " Hydes of Land by the three Pagan Kings, *Arviragus*, *Marius* and *Coi-* " *lus*. This is followed by another Tradition out of the *Acts* of King *Arthur*, and the Inquiſition of *Lancelot de Lac*; all which is concluded with the admirable Legend of *Melkinus Avalonius* already mentioned. Theſe are the choice Materials in *Capgrave*'s Collection to confirm this Tradition. And if he had found any better, he would no doubt have produced them. It muſt be confeſſed that Mr. *Creſſy*, with ſome ſcorn, rejects that part of the Tradition taken out of the *holy Graal* about the ſix hundred Companions and the Prince of *Media*, &c. But I can find no better Authority for one part than for the other; and for all that I can ſee, the *holy Graal* deſerves as much credit as the Book taken out of *Pilate*'s Palace, or *Melkinus Avalonius*, eſpecially ſince, (*p*) *Pits* hath given the ſuppoſed Author ſo good a place, among his *Britiſh* Writers, under the name of *Eremita Britannus*, and ſaith, he lived about the time of King *Ina*, *Anno Dom.* 720. And (*q*) *Helinandus* takes notice of the Viſion to the *Britiſh* Eremit about that time concerning *Joſeph* of *Arimathea*, and the Diſh wherein our Saviour eat the Paſſover with his Diſciples, which ſort of *Diſh* he ſaith was then called in French *Graal*; but others think the true name was *Sangreal*, being ſome of *Chriſt*'s *real bloud* which he ſhed upon the Croſs, which was ſaid to be ſomewhere found by King *Arthur*. And to confirm this, it is ſaid in the authentick Writing of *Melkinus*, That in the Coffin of *Joſeph* were two Silver Veſſels filled with the *Bloud* and *Sweat* of *Jeſus* the Prophet.

(*p*) Pits, *de Script. A. D.* 720. 8°.

(*q*) *Apud* Vincent. *Spec. hiſtor. l.* 23. *c.* 147.

But leſt I ſhould ſeem to expoſe ſo ancient a Tradition, by ſetting down only the fabulous Mixtures which the *Monks* thought to adorn it with, I now proceed from their *Dreams* and *Viſions*, to what ſeems to have much more weight and authority in it, *viz.* their ancient *Records* which *William* of *Malmesbury* ſeems moſt to rely upon: Among theſe, In the firſt place he mentions the *Charter* of St. *Patrick*, as he calls it, which is at large printed in the (*r*) *Monaſticon*, and both in (*s*) *Alford* and (*t*) *Creſſy*, and is magnified by them as a ſubſtantial proof of the *Glaſſenbury Tradition*, which *Creſſy* ſaith *was tranſcribed out of a very ancient MS. belonging to* Glaſſenbury *by* Marianus Victorius; and for this he quotes (*u*) *Ger. Voſſius de Hiſt. Lat.* who ſaith only that *Bale* mentions a piece of his *de Antiquitate Avalonica*, but he adds, *that* Bale *deſerves no credit in Writers of great Antiquity*. But the perſon *Creſſy* means (or at leaſt his Author) was another *Gerard Voſſius*, Dean of *Tongres*, (*w*) who publiſhed part of this pretended piece of St. *Patrick* among other ancient Writings, which will have no great authority among conſidering men, if they have no other Characters of Antiquity than this *Charter* of Saint *Patrick*. However, Mr. *Creſſy* is pleaſed to call it, *a monument of the goodneſs of God towards this Nation, ſo early, in the very beginning of Chriſtianity*; becauſe therein mention is made of *ſome Writings of St.* Phaganus *and* Diruvianus *wherein it was declared that twelve Diſciples of the Holy Apoſtles* Philip *and* Jacob *built the ſaid ancient Church to the honour of the Bleſſed Virgin, by the appointment of the Archangel* Gabriel. *And moreover, That our Lord himſelf from Heaven dedicated the ſaid Church to the honour of his Mother. As likewiſe, That three Pagan Kings beſtowed upon them twelve Portions of*

(*r*) *Monaſtic. vol.* 1. *p.* 11.

(*s*) Alford. *A. D.* 439. *n.* 9.

(*t*) Creſſy's *Hiſt. l.* 2. *c.* 5. *n.* 10.

(*u*) Voſſi. *de Hiſt. Latinis, l.* 2. *c.* 16.

(*w*) *Miſcellan. S. Patr. ad. calc. Oper.* Greg. *Thaumaturg.*

Land. If this hold good, it goes a great way towards the proving the ancient Tradition, although *Joseph* of *Arimathea* be not mentioned. But St *Patrick* goes on, and saith, *That in other Writings of a later date he found that* Phaganus *and* Diruvianus *obtained from Pope* Eleutherius *thirty years of Indulgence, as himself likewise procured from Pope* Celestine *twelve years:* And towards the Conclusion, *he grants a hundred days of Indulgence to those who would clear the way to a certain Oratory there mention'd:* And to make all plain, it begins with the Date, *Anno Dom.* 425. in these Words. *In the Name of our Lord Jesus Christ. I* Patrick *the poor humble Servant of God, in the four hundred twenty fifth year of the Incarnation of our Lord, being sent by the most holy Pope* Celestine *into* Ireland, &c.

I confess this Charter offers very fair play towards the discovery of it's own Forgery by such open *Marks*, and *Characters* as these. For it is certainly known, that in St. *Patrick*'s time, no such way of Computation was used from the year of our Lord. For *Dionysius Exiguus*, writ his first Epistle to *Petronius*, *Anno Dom.* 525. where he first mentions, *The reducing the Cycle to the years of Christ's Incarnation, that People might be better acquainted with it*; after which it remained a great while in private use with the *Paschal Cycle*, and was not publickly received, saith (*x*) *Bucherius* till about the time of Charles *the Great.* * *Joachim Vadianus*, saith, *He never saw the Year of our Lord in any ancient Charters, of which sort he had seen many:* (*y*) Some observe, *That it was never used in Charters before the ninth Age*, and therefore the more subtile Pretenders to Antiquity always left it out. (*z*) *Joh. Aventinus* affirms, *that the use of it in Epistles and Charters, was brought in by* Carolus Crassus, with whom (*a*) *Nic. Vignier* agrees, *as to the Imperial* Diplomata. But it seems probable to have been brought into *England* before that time, for in the (*b*) *Council* at *Celichyth*, Anno Dom. 816. *Every Bishop was required to take an Account of the year of our Lord.* And by some *Charters* in *Ingulphus*, it appears to have been used here before it was used in *France*, or the *Empire*, but not long before the eighth Century; and the first publick Acts we find it applied to, were those of *Councils*, as in that of *Becanceld*, under *King Withred*, *Anno Dom.* 694. But the same King doth not use it in the *Years* of his Reign. The like Instances about Councils, especially in the *eighth* and *ninth Centuries* are produced by (*c*) *Mabillon*: Who thinks, *That* Bede *was the first who brought it into the use of History.* But that could not be before *Anno Dom.* 725. at which time he began to write his History; and he adds, *That from him by the means of* Boniface, *it came into the use of the French Councils and Histories; and at last of all publick Charters both in* France *and the Empire, as well as here.* But from all this it appears, that there is no Colour for this *Charter* of St. *Patrick*, which reckons from the *Incarnation*, a hundred years before *Dionysius Exiguus* first introduced that way of Computation. Besides, it cannot possibly agree with the time of St. *Patrick*'s going first into *Ireland*; for (*d*) *William* of *Malmesbury* confesseth, *He was made Bishop by* Celestine, *and sent by St.* German *into* Ireland *as an Apostle:* But it is on all hands agreed, that *Palladius* was sent thither before him; and *Prosper*, who lived at that time, fixeth the sending *Palladius*, to the year wherein *Bassus* and *Antiochus* were Consuls, which was *Anno Dom.* 431. the year of the first *Ephesine* Council. So that this *Charter* of St. *Patrick* cannot be true, no not although we allow the different Computation in *Capgrave*, who reads it,

430.

(*x*) Bucherius *Belg. Roman. l.* 2. *c.* 8. *n.* 4.

* *Rer. Alemann. To.* 3. *l.* 2. *p.* 32.

(*y*) Papebroch. *Propyl. ad To.* 2. *Apr.* §. 102.

(*z*) Aventinus *Annal. Boior. l.* 4. *p.* 461.

(*a*) *Chronic. Burg. ad A. D.* 885.

(*b*) Spelman. *Concil. p.* 330. *c.* 9.

(*c*) Mabillon *de Re Diplom. l.* 2. *c.* 2. *p.* 17. §. 23. *n.* 15.

(*d*) Gul. Malmes. *de Gestis Pontif.* 2. *l. p.* 145.

430. But *Alford* confesses, both *Malmesbury* and the *Glassenbury Antiquities* have it, 425. It is strange that *Alford* should say, *He found no Exception against the Credit of this Charter*, since even (e) *Capgrave* himself mentions it not without doubt, and Suspicion of the truth of it: And his own Brethren (f) *Henschenius*, and *Papebrochius* deride his simplicity for believing it. And among other Arguments they produce that of *the mention of Indulgences* against it, which Name they Confess was not used for the Relaxation of Penance, till the eleventh Century; a very Competent time after the Date of this *Charter*. The question is not as Mr. *Cressy* would put it, *Whether every Bishop, or Pope as Chief, hath a Power to relax Penance?* But, Whether the Name of *Indulgences* were then applied to such a Sense, as this *Charter* uses it? Which those learned Jesuits deny. Add to all this, that St. *Patrick* saith, *He obtained from* Celestine *twelve years of Indulgence*, which being understood of *Glassenbury*, implies a plain impossibility: For St. *Patrick* is said, to retreat thither towards the end of his Life, and *Celestine* dyed soon after his first sending into *Ireland*: So that I need not to insist on the *Style*, or the Names contained in this *Charter*, to prove the Forgery of it, it being so manifest by the *Arguments* already produced.

(e) Capgr. *vit.* Patricii.

(f) *Acta Sanct. Mart.* 17. *vit. S.* Patricii *Prolog.* §. 13. *n.* 72.

I now proceed to the *Charters*, whereof there are several extant in the (g) *Monasticon*. The large *Charter* of King *Ina*, seems to be most considerable, and to favour the old Tradition, as it makes *the Church at* Glassenbury *dedicated to Christ and the Blessed Virgin, to be the Fountain of all Religion, and the first in the Kingdom of* Britain. But upon a strict enquiry into the Circumstances of this *Charter*, I see great reason to call in question the Truth of it, and not merely from the dissimilitude of *Style*, between this and other *Charters* of the *Saxon* times, which are allowed to be Authentick, such as those in *Ingulphus*, *William* of *Malmesbury*, the *Additions* to *Matthew Paris*, &c. But for these two Reasons which seem to me to have weight in them.

(g) *Monastic. vol.* 1. *p.* 13.

1. Because it refers to other ancient *Charters* of that *Church*, as to the *Exemption* of the *Monastery*. And the *Benedictin Monks* have a long time lain under so great a Suspicion, among those of their Religion, as to this matter of forging *Charters of Exemption*, that no prudent Persons will think those a sufficient Foundation to build their Faith upon, as to any ancient History, which must depend upon their Credibility. I shall not here mention what *Gallonius*, *Launoy*, *Naude*, and others abroad have said upon this Subject, nor what insufficient Answers (h) *Mabillon* hath lately made to their Objections; but it is reasonable for us to consider, how much they have been Charged here at home with this Crime, by the Bishops of this Church, and how ill they have been able to defend themselves. It appears by the Epistle of *Richard* Archbishop of *Canterbury*, to *Alexander* the Third, in (i) *Petrus Blesensis*, that there was a general Suspicion of Forgery in the *Charters* of *Exemptions*, which the *Monasteries* pretended to, *Ut falsitas in omnium ferè Monasteriorum exemptione prævaleat*, &c. And he there particularly instanceth in the *Bishop* of *Salisbury*, charging the *Abbot* of *Malmesbury*, with producing *false Charters* for his Exemption from the *Bishop*'s Right of Election: But which is yet more considerable, in the time of *Gregory* the ninth, when St. *Edmond* was *Archbishop* of *Canterbury*;

(h) Mabillon. *de Re Diplomat. l.* 3. *c.* 3.

(i) Petr. Blesens. *Ep.* 68.

terbury, ſome *Monks* of *Canterbury* were Convicted of Forging a certain *Charter* of *Privileges*: But the Pope's Legate took up the buſineſs, and procured a *Diſpenſation* f om the Pope, which put an end to the Cauſe. Which *Diſpenſation* Dr. (*k*) *Caſaubon* declares to the World, *He read in an Old Manuſcript belonging to the Church of* Canterbury, *wherein it was Regiſtred*: And wherein, as both he and Sr. *Henry* (*l*) *Spelman*, tell us, It is obſerv'd, *That that Church enjoy'd all its Lands and Privileges, only by Cuſtom and Preſcription*, ſine Chartis vel Munimentis Regiis, *without any written Charters, untill Anno Dom.* 694. When *Withred* King of *Kent* cauſed the firſt to be written, which was the ſame with the *Council* of *Becanceld*. From hence Sr. *Henry Spelman* gives a prudent Caution, concerning *the moſt ancient Charters, which the Monks pretended to, that they be not eaſily believed: There being ſo much Suſpicion of Fraud in them.* And that not only now, but was ſo of Old, as appears by what (*m*) *Gervaſe* reports of the *Monks* of St. *Auguſtin*, *That they produced very Suſpicious, and raſed Charters.* The Caſe was this, the *Monks* of St. *Auguſtine* pretended an Exemption from the *Juriſdiction* of the *Archbiſhop* of *Canterbury*, as thoſe of *Glaſſenbury* did from that of the *Biſhop* of *Wells*; upon an Appeal to *Rome*, a Commiſſion was granted to the *Biſhop* of *Durham*, and the *Abbot* of St. *Albans* to inſpect their *Charters*, and to let the Archbiſhop examine them: But after great Tergiverſation, they at laſt produced *two Writings*, which they called their *Originals*; the firſt was *ancient*, but *raſed* and ſubſcribed, as if it were amended, and *without a Seal*, which they called *King* Ethelbert's *Charter*. The other was of much later Writing, with a *Leaden Bull* hanging at it, and the Figure of a Biſhop upon it, which they called *St.* Auguſtine's *Charter*. Againſt the Firſt, The *Raſure* was objected, and the *manner* of *Subſcription*, and *want of a Seal*. Againſt the Second, *The lateneſs of the Writing, and the novelty of hanging Leaden Bulls to Charters, eſpecially by Biſhops on this ſide of the Alpes: And beſides, the Style was very different from the Roman.* Both theſe *Charters* are extant in the (*n*) *Monaſticon*, and a third of *Ethelbert*, with an *Inſpeximus* of 36. *Edw.* III. But another Charter of *Ethelbert* is ſet down together with theſe in the (*o*) *MS. Chronicle* of St. *Auguſtine*'s, the Author whereof was certainly a Monk there, being ſo zealouſly concern'd to defend theſe *Charters*, and to anſwer ſome of the former Objections againſt them. As to the want of a *Seal* to *Ethelbert*'s *Charter*, he anſwers truly, *That hanging Seals upon Wax were not then uſed, but only a Subſcription of the Name of the perſon with a Sign of the Croſs before it, in token of their Converſion.* For (*p*) *Ingulphus*, a very competent Witneſs, declares, *that the ancient Engliſh Charters to the time of* Edward *the Confeſſor were atteſted by Witneſſes who ſet their Names with Golden Croſſes, or other Marks before them. But the* Normans *brought in the uſe of Seals by Impreſſions upon Wax.* But that *MS. Author* will not allow the *uſe* of ſuch *Seals, till after the Conqueſt, except in the time of* Cnut, *who was a ſtranger.* Whereas in the Conteſt between the Biſhop of *Lincoln* and the *Abbot* of St. *Albans*, before *Henry* II. when the (*q*) *Saxon Charters* were diſputed for want of *Seals*, the other Party knew not what to anſwer; but the King inſiſted on their Confirmation by *Henry* I. And the Monk who writes the account of this Proceeding, alledgeth the *Seal* of *Edward* the *Confeſſor* to the *Church* of *Weſtminſter*: But *Edward* brought in ſeveral *Norman Cuſtoms*, as *Ingulphus* ſhews, againſt the practice of his Predeceſſours. And this the *Normans* borrow'd from the

(*k*) *Of Uſe and Cuſtom p.* 93.
(*l*) Spelman. *Concil. p.* 125.
(m) Gervaſ. *Doro. A.D.* 1181. *inter* 10. *Script.* 1458.
(*n*) *Monaſtic. p.* 23. 24, 25.
(*o*) *Chronic. MS. in Bibl. A. T. C.*
(*p*) Ingulph. *Hiſt. p.* 512. *ed.* Sav.
(*q*) *Vit. Abbat. S.* Alban. *p.* 79, 80.

the *French*, whose *Seals* were generally affixed on the right side of the *Charter*, and not pendent with *Labels*, as they began to be about the Reign of *Lewis* VI. as (*r*) *Mabillon* hath shewed at large. And so some of our Learned (*s*) *Antiquaries* have thought, *that pendent Seals were not brought into use here, till the time of* Edward I. For in a *Charter* *Henry* I. granted to *Anselm*, the great Seal was affixed on the left side of the Parchment. And (*t*) *Brian Twyne* affirms that he saw a Charter of *William the Conquerour* so sealed in the *Lumley Library*. But that this Observation is not certain, appears by contrary Instances, as of the *Pendent Seal* to the *Charter* of *Battel Abby*, printed by (*u*) Mr. *Selden*; and of the *Charter* of *Henry* II. to *Glassenbury Abbey*, which (*w*) Dr. *Caius* saith he saw *with a Seal of green Wax hanging to it by a string of red and white Silk.* But from hence we may see how dangerous it is to make general *Rules*, as to these matters, from some particular Examples, when the Custom might vary. And, notwithstanding the Testimony of *Ingulphus*, there might be *Seals* sometimes used to *Charters* though not so frequently. Mr. (*x*) *Selden* hath produced some Instances to that purpose, as in that of King *Edgar* to the Abby of *Persore*, which he saith had plain Signs of *three Labels* by the places cut for their being hanged on; which is attested in a Letter from *Godfrey*, Archdeacon of *Worcester*, to *Alex.* III. And Among the *Chartæ antiquæ*, *There are some*, saith he, *cum Sigillo*; and one particularly *cum Sigillo* of King *Cnout*, which very much confirms what this Historian observes concerning *Canutus* his *using a Seal.* And our great (*y*) Lawyer hath produced the *Deeds* of King *Edwin*, Brother to King *Edgar*, and of King *Offa*, with *Seals* to them. And therefore, I think, *Ingulphus* ought not to be taken in so strict a Sense, that there were no *Seals* in use before the *Norman* time, but that *Deeds* or *Charters* before were *good* or *valid* by bare *Crosses* and *Marks*, with *Subscriptions* without *Seals*; But that the *Normans* would allow none that had no *Seals* to them. And this upon due consideration will appear to be the true meaning of *Ingulphus.*

(*r*) Mabill *de Re Diplomat. l.* 2. *c.* 15. *n.* 10. 12.
(*s*) *Antiquit. Britan. in* Anselmo.
(*t*) *Antiquit* Oxon. *l.* 1. §. 81.
(*u*) Seld. *Not. ad* Eadmer. *p.* 166.
(*w*) *De Antiq.* Cant. *Academ. l.* 1. *p.* 54.
(*x*) *Seld. of the* Office of Lord Chancellor, *ch.* 2.
(*y*) Inst. *l.* 7. *a.*

And the same *MS. Author* commends the discretion of the *Saxon* way of confirming *Charters*, above that of the *Normans*, *a Seal of Wax being so apt to decay, or to be lost or taken off.* And he observes one partilar Custom of the *Normans*, *That they were wont to put some of the hair of their Heads or Beards into the Wax of their Seals.* I suppose rather to be kept as Monuments than as adding any strength or weight to their *Charters.* So he observes, *That some of the Hair of* William, *Earl of* Warren, *was to his time kept in the Priory of* Lewes.

To that of the *Leaden Bull appending to the Charter of St.* Augustine, he makes a pitiful Answer, viz. *That he being deputed hither by the Pope, might use the same Seal which he did at* Rome. And so every *Legate* might *grant Bulls* with *Leaden Seals*, which would not be well taken at *Rome.* But it is much more to the purpose which he adds, viz. *That when in the time of* Henry III. *this Privilege was questioned by the Archbishop of* Canterbury, *because of this Leaden Bull, the Earl of* Flanders *produced such another, given him by a foreign Bishop, which he and his Predecessours had used*; the Fashion whereof he sets down, and the *Bull* it self was preserved as a *Monument* in St. *Augustine*'s. But if this were then so common a Custom, especially at *Rome*, why had they no such *Bulls* of *Gregory* the Great, who sent *Augustine?* To that he gves a frivolous Answer, viz. *That* Gregory *died the same year of the endowment of St.* Augustine's,

guſtine's. But, did he leave no Succeſſour? And, had it not been more to their purpoſe to have produced one *Leaden Bull* of the *Pope*'s at that time, than twenty of *Auguſtine*'s the *Monk?* But he gives no manner of anſwer to the *Raſure* of the *firſt Charter*, nor to the *late Writing of the ſecond:* And although the uſing of *Leaden Bulls* were not ſo ſoon appropriated to the *Conſiſtorial Grants* of the *Biſhop* of *Rome*, but Princes and Biſhops might uſe them, as Sir *H. Spelman*, and *Monſieur du Cange*, and *Mabillon* have all proved; yet there ought to be better proof brought of the matter of Fact, as to St. *Auguſtine*'s Privilege, for it is ſtill very ſuſpicious, not only on the account of the *Leaden Bull* (which (z) *Polydore Virgil* could not find ſo early uſed even at *Rome*, and he allows it to be no elder than *Anno Domini* 772. and all the Inſtances brought before by (a) *Dom. Raynaldus* are confeſſed to be ſuſpicious by (b) *Mabillon* himſelf) but there are ſeveral things in it which in (c) Sir *H. Spelman*'s Judgment favour of the *Norman times*, as the *Jus conſuetudinarium*, *Judicia intus & foris*, and the very Title of *Archbiſhop*, as it is there uſed, was hardly of that *Antiquity* in the Weſtern Church, and was never given to *Auguſtine* by *Gregory*. But according to (d) *Iſidore*'s explication of it, who was *Gregory*'s Diſciple, and underſtood the Language of that Age, *Auguſtine* could not properly call his *Succeſſors Archbiſhops*, for he ſaith, *That Title belong'd to them who had power over Metropolitans as well as other Biſhops*, and it was not before the ninth Age, as (c) *Mabillon* and others obſerve, that it came to be commonly uſed for a Metropolitan.

(z) Polyd. Virg. *de Invent. l.* 8. *c.* 2.
(a) *Apud* Leon. Allat. *de Conſenſ. Eccleſ. Orient. & Occident. l.* 1. *c.* 6. *n.* 2.
(b) Mabillon. *de Re Diplomat. l.* 2 *c.* 14. *n.* 9.
(c) Spelman. *Concil. p.* 124.
(d) Iſid. *Orig. l.* 7. *c.* 12.

It was therefore a judicious Rule laid down by the Learned Authour of the (f) Preface to the *Monaſticon* concerning the *Charters* of *Monks*, *that the older they pretend to be, the more they are to be ſuſpected*; For which he is deſervedly praiſed by (g) *Papebrochius*; but (h) *Mabillon* is very unwilling to allow it, *as overthrowing at once the authority of all their ancient* Charters. And therefore he hath endeavoured with mighty Induſtry to defend chiefly the old *Benedictin Charters* in *France*; But he cannot deny many of them to be counterfeited (*Papebrochius* ſaith almoſt all) and at the Concluſion of his Diſcourſe he vindicates the Monks * *by the commonneſs of the fault in elder times:* Which is an Argument of Caution to us, rather than of any credit to be given to them. And it cannot be denyed, that he hath laid down many uſeful Rules for diſcerning the true and falſe, with reſpect to the Cuſtoms of *France*. But we are ſtill as much to ſeek as to our pretended *Charters*, ſince the Cuſtom of making *Charters* cannot be made appear to be ſo old here as it was there. He doth indeed endeavour to prove from † *Bede*'s Epiſtle to *Egbert*, that in his time *there were written Privileges granted to Monaſteries among the* Saxons, and ſomething before that; among the *Britains*, by the *Synod* of *Landaff*, *Anno Dom.* 660. But he cannot prove, nor doth he attempt it, that there were any *Charters* among the *Saxons* before that of *Withred*, *Anno Dom.* 694. and if not, all the ancient *Charters* referr'd to in this *Charter* of *Ina* muſt be Falſe and Counterfeit.

(e) Mabill. *l.* 2. *c.* 2. *n.* 13.
(f) *Propulæ. ad Monaſt. Angl.*
(g) Papebroch. *Propyl. ad To.* 2. *Apr. c* 10. *n.* 125.
(h) Mabillon. *l.* 1. *c.* 4. *l.* 3 *c.* 2. * *l.* 3. *c.* 6. *n.* 10.
† *l.* 1. *c.* 4. *n* 4.

2. How comes King *Ina* to have ſo great authority over all the Kings of *Britain*, the Archbiſhops, Biſhops, Dukes and Abbots, as this *Charter* expreſſeth? In the beginning of the *Charter*, he mentions *Baldred* as one of his *Vice-Roys*. In the middle he ſpeaks of *Baldred* as one of his *Predeceſſors*, and joins him with *Kenewalchius*, *Kentwin* and *Cedwalla*.

Cedwalla. But in the end he makes him to confirm what *Ina* has granted, *Ego*, Baldredus *Rex*, *confirmavi.* But who was this King *Baldred?* In the Kingdom of *Kent*, *Edricus* was in the beginning of *Ina*'s Reign, according to the *Savilian Fasti*, and *Withredus* from the sixth to the end. In the Kingdom of the East *Saxons* there were *Sighardus*, *Senfredus*, *Offa* and *Selredus.* In the Kingdom of East *Angles*, *Beorna* and *Ethelredus.* In the Kingdom of *Mercia*, *Adelredus*, *Kenredus*, *Ceolredus*, *Athelbaldus.* In the Kingdom of *Northumberland*, *Alfredus*, *Osfredus*, *Kenredus*, *Osricus*, But among all these not one *Baldredus* appears. There was indeed one of that Name King of *Kent* near an hundred years after; but what is that to the time of *Ina?* But suppose *Baldred* then in being, and only a *Vice-Roy* in some part of *Ina*'s Dominions, how comes *Ina* to this *Universal Monarchy* or Power to command all the Kings of *Britain*, which is expressed in the *Charter? Sed & omnibus Regni mei Regibus*, &c. *præcipio.* By what Authority did the King of the West *Saxons* at that time make such a Precept to all other Kings in *Britain?* But, I remember, (*i*) *Geoffrey* of *Monmouth* makes him *Grandchild* to *Cadwallader.* And the (*k*) Authour of the Additions to King *Edward*'s Laws saith, *he had the Kingdom of* Britain *with his second Wife* Wala, *Daughter of* Cadwallader; *and then* Ina *called a Parliament for the Intermarriage of* Britains *and* Saxons. So that there was an Opinion among some, that *Ina* had the Monarchy of *Britain*, which Opinion was certainly follow'd by the Contriver of this *Charter.* But Mr. *Lambard* confesseth, that these Passages are not in the ancient *MS.* of King *Edward*'s Laws, and it is a wonder they should ever come into them, being so destitute of any colour of authority, and so remote from the design of his Laws.

(*i*) Galfrid. *l.* 9. *p.* 101. *ed. Bad. Ascens.*

(*k*) *L. L. Ed. Confess. c.* 35.

As to these counterfeit *Charters*, the Opinion of (*l*) *Papebrochius* seems most probable to me, that they were for the most part framed in the eleventh *Century*, when there was Ignorance enough to make them pass, and occasion enough given to the Monks to frame them for their own security, against the encroachments of others upon their Lands, and the Jurisdiction of Bishops over their Monasteries. And *William* the *Conqueror* having given such invidious Privileges to *Battell Abby*, as may be seen in his *Charter*, the *elder Monasteries* thought much to be so far behind them, and therefore made themselves as great *Privileges* by the favour of *Saxon* Kings. From hence in the next Age arose so many Contests about *Jurisdiction* between the *Bishops* and the several *Monasteries*, of which we read not before, as we have already observed between the *Abbey* of St. *Augustine* and the *Archbishop* of *Canterbury*; between the *Abbey* of *Malmesbury* and the *Bishop* of *Salisbury*; and the *Abbey* of St. *Albans* and the *Bishop* of *Lincoln.* And at that time those *Abbies* were charged with forging their *Charters.* And when they were so charged were not able to defend them, as was remarkable in the case of St. *Augustine*'s, as it is related by (*m*) *William Thorn*, a *Monk* of that *Abbey:* He confesseth *the Archbishop chargeth their Privileges with Forgery, and that the* Monks *appealed to* Rome, *and that upon their Appeal several Commissions were granted to examine them*; but by his own relation, they shamefully declined to produce them as long as they durst, and still continued their *Appeal.* But when they saw no remedy, they produced the *Charters* of *Ethelbert* and *Augustine*, the Copies whereof the *Delegates* sent to *Rome.* But before they came thither the Pope died; and the next Pope, *Lucius*, sent an

(*l*) *Propyl. ad To.* 2. *Apr. c.* 8. *n.* 103.

(*m*) Thorn. *Chronic. c.* 14. §. 3.

Inhi-

Inhibition to the Archbiſhop, requiring him not to invade their Privileges till the queſtion of *Forgery* were determined; and he writes to King *Henry* II. in the behalf of the *Abbey*. Things being at this paſs, they fairly made a Compoſition with the Archbiſhop, *viz.* That he ſhould withdraw his Accuſation of Fraud, in the Court of *Rome*, and they would yield up to him the main points conteſted as to *Juriſdiction*. The form of which Compoſition is at large extant in *Thorn*. And the Confirmation of it by *Henry* II. in the other *MS. Chronicon* of that *Abbey*. Which in effect amounted to the Monks giving up the Cauſe of their *Charters*. Such a Controverſie about *Juriſdiction* there was between *Jocelin*, Biſhop of *Bath* and *Wells*, and the *Abbey* of *Glaſſenbury* about *Anno Dom.* 1215. as appears by the Book called *Secretum Domini Abbatis* lately in the *Arundell Library*, but now in a private hand. So that there appears a ſufficient inducement for them to forge ſuch large *Immunities* and *Exemptions*, with reſpect to the Biſhop's *Juriſdiction*, as this *Charter* contains; and that ſeems to be the main Point aimed at in it. But in order to it, ſome extraordinary matter was to be alledged in favour of this Place, and nothing ſerved ſo much in that Age, as to amuſe the People with wonderful Stories of the *Antiquity* of it, Calling it *the Mother of Religion, and the Place of Viſions and Revelations and Miracles, where St.* Patrick *and St.* David *dwelt in former times, before ever the* Saxons *came* (but not a word yet of *Joſeph* of *Arimathea*:) which were very plauſible Pretences for extraordinary Privileges, and ſo they are alledged in this *Charter* of King *Ina*, *Ita & ipſa ſupereminentem Privilegii obtineat dignitatem, nec ulli omnino hominum ancillare obſequium faciat in terris*, &c. Which words are ſpoken of the *Bleſſed Virgin*, but, according to the Conſtruction of that Age, to be underſtood of *Glaſſenbury Abbey*, becauſe the *Church* was believed to be conſecrated to her by our *Saviour* himſelf.

But it ſeems ſtrange that ſuch a *Charter* ſhould ever paſs for *authentick* with any who compare the Language of it with the Hiſtory of King *Ina*, as it is delivered by the Monkiſh Hiſtorians. For by them it appears what Wars he had with his neighbour Princes, and how far he was to the laſt from commanding *Kings* and *Princes* and *Archbiſhops*, whoſe Kingdom was confined to the Weſt and South *Saxons*, and had but one Biſhop in it till the eighteenth year of his Reign, when it was divided into two, *Daniel* having one ſhare, and *Aldelm* the other. And ſome years after *Eadbertus* was Biſhop of the South *Saxons*, ſo that he had but three *Biſhops* at the moſt, and never an *Archbiſhop* in his Dominions: How then could he call *the ſeveral Kings*, *Archbiſhops* and *Biſhops* together to paſs this *Charter?* The like groſs abſurdity there is in the (*n*) Charter of *Eveſham Abbey*, wherein *Brightwaldus* is ſaid to draw it up *with the conſent of all the Princes in* England *met in Council*, as Pope *Conſtantine* explains it; which is ſomewhat hard to believe concerning that Age, wherein they were under no common Head, but continually fighting with each other, till the Weſt *Saxons* prevailed. And the Caſe of the *Abbey* of *Eveſham* ſeems to have been much the ſame with that of *Glaſſenbury*. For (*o*) *William* of *Malmesbury* wonders how *Bede* came to omit the Foundation of it, if it were ſo ſolemnly declared at *Rome* as the *Charters* import, when *Kenred* and *Offa* were both there, which is mention'd by *Bede*. And in truth it is very ſtrange that ſo diligent a Writer, eſpecially of ſuch things, as *Bede* was, ſhould ſay not a Word either of *Glaſſenbury* or *Eveſham*.

(*n*) *Monaſtic. Vol.* I. *p.* 146.

(*o*) W. Malmeſbur. *de Geſt. Pontif. l.* 4. *p.* 162.

Evesham. But he judiciously imputes the occasion of Founding this *Monastery* to some *old Church of the* Britains *standing there in a desolate place*, which *Egwin*, then *Bishop* of *Worcester*, took a great Fancy to, and so raised a Monastery there. But such a plain Story as this would never doe the Monks business, and therefore they must have a Legend of *Egwin*'s *Chains*, &c. and the *Vision* of the *Blessed Virgin* there, and large Immunities granted to the Place on these accounts, as they have fully done in the *Charters* of *Kenred* and *Offa*, the Bull of *Constantine* and the Privilege of *Egwin*. But yet this unlucky charge of Pope *Constantine* to *Brightwaldus*, *to summon a Council of the whole Nation, Princes and Bishops, to confirm this Charter*; at a time when there were so many Kingdoms not only divided, but most commonly in actual War with each other, makes this whole *Charter* appear to be an undoubted Forgery of the Monks to obtain great Privileges to themselves.

But to return to *Glassenbury*; I do not question that King *Ina* did Found a *Monastery* there, where before had been an ancient Church in the *British* times. But I see no ground to believe, that either *Joseph* of *Arimathea*, or St. *Patrick*, or St. *David* had ever been there. But these were great and well sounding Names to amuse the People with, and by degrees advanced that Monastery to so high a Reputation, that the very Monks of other places were concerned to lessen the authority of this *Tradition*, as is evident by the (*p*) *MS. Chronicle* of St. *Augustine*'s, wherein the Monks of *Glassenbury* are charged *with pretending to greater authority than they had reason for, that Monastery being first founded by King* Ina, *but they give out they had Land given by* Arviragus *a King of the* Britains. And even (*q*) *William* of *Malmesbury*, although when he writes the *Antiquities* of *Glassenbury*, he seems firmly to believe St. *Patrick*'s being there, yet when he comes elsewhere to speak of his being buried there, he adds that cooling Expression, *Si credere dignum*, and takes not the least notice of *Joseph* of *Arimathea* and his Companions. So much difference he thought there ought to be between writing the *Legend* of a *Monastery* and a true *History*. And there he plainly affirms, *that King* Ina *was the first Founder of it.* To which (*r*) *Asserius* agrees in an ancient MS. Copy of his *Annals*. For *A. D.* 726. he saith, Ina *went to* Rome, *and there died, having built and dedicated a Monastery in* Glassenbury. But what Presumption was it to say, *he dedicated it*, if it were dedicated so long before by *Christ* himself, as the *Vision* of St. *David* and the *Glassenbury Tradition* affirm? I do not then deny that there was an ancient Church before *Ina*'s time, which after the Western *Saxons* became Christians, grew into mighty Reputation, but all the Succession of Abbats before, either of *Worgresius*, or *Brightwaldus*, or others, I look on as fabulous. For (*s*) *Bede* and others say, Brightwaldus *was Abbat of* Reculver *before he was Archbishop*; which is a good distance from *Glassenbury*. But the first Abbat there was *Hemgistus*, to whom *Ina* granted a *Charter*; after him *Beorwaldus*, to whom King *Ina* granted several Lands by *Charters*, far more probable than this large one, whose authority I have hitherto discussed. Those *Charters* are short, and the Style agreeable to those times, and not one word of *Joseph* of *Arimathea*, or St. *Patrick*, or St. *David*, in any of them. And those, I believe, were the *original Charters* of that Abbey.

But the *Abbey* being thus founded and well endowed, then, like a Man that hath made his own Fortunes, who pretends to be derived from some ancient Stock, so this Monastery growing rich betimes, saw

(*o*) *Chron. S. Augustin. MS. in Bibl. A. T. C.*

(*q*) Malmesbury. *de Gestis Pontif. l.* 2. *p.* 145.

(*r*) Asserii *Annales, MS. A. D.* 726.

(*s*) Bed. *Hist. l.* 5. *c.* 9.

it must be cast much behind in Place and Dignity, unless it could lay claim to some greater *Antiquity*. And for this, the *old* British *Church* was an admirable Foundation. And St. *Patrick* and St. *David*, being two Saints of wonderful esteem in *Ireland* and *Wales*, they first set up with the Reputation of their being at *Glassenbury*, *the former lying buried there, and the latter building a little Chappel.* The Monks finding the advantage of these Pretences, made a farther step towards the advancement of their Monastery, by giving out that their *old Church* was the first *Church* in *Britain*, and that *all Religion came from thence into other Parts*; which by degrees gaining belief, they at last pitched upon *Joseph* of *Arimathea*, as the Person who came first hither, being a Man whose Name was every where in great esteem for the respect he shew'd to our Saviour's Body: And him they thought they might safely pitch upon, not being pretended to by any other Church. But it was a considerable time before the Name of *Joseph* of *Arimathea* came to be mention'd, not being found in any of the *Saxon Charters*, which speak most to the advantage of *Glassenbury*; as may be seen by those of King (*t*) *Edmund* and King *Edgar* in the *Monasticon*. But by the time of *Henry* II. the Tradition was generally received, *that the old Church at* Glassenbury *was built by the Disciples of our Lord*; *and that it was the original Church of this Nation*, as appears by the *Charter* of *Henry* II. omitted in the *Monasticon*, but printed by (*v*) *Harpsfield*, and the learned Primate of (*w*) *Armagh*, by which we see what Authority the Monks of *Glassenbury* had then obtained, for not only this Tradition is inserted in the *Charter*, as a thing certain, but a Repetition is there made of several other *Charters*, as seen and read before the King, which were undoubtedly counterfeit, such as that of King *Arthur* and several others; yet all these went down then, and were confirmed by the King's *Inspeximus*. From this time the Monks of *Glassenbury* were triumphant, and no one durst dispute their Traditions how improbable soever. This *Charter* being confirmed by the *Inspeximus* of *Edw.* II. *An.* 6, 7. of *Edw.* III. *An.* 1, 6. and 1 *Edw.* IV. And from hence it grew to be the common Opinion of the *Nation*, and was pleaded for the Honour of it in the *Councils* of *Pisa*, *Constance*, *Siena* and *Basil*, of which the (*x*) *Primate* hath given a full account, and, as things passed among them then, Our Nation had as just Right to insist on their Tradition of *Joseph* of *Arimathea*, as the *Spaniards* on that of St. *James* going into *Spain*; for certainly one Tradition was as good as the other.

(*t*) *Monast. Vol. 1. p. 15, 16.*

(*v*) Harpsfield. *Hist. Eccles. l. 1. c. 2.*

(*w*) Usser. *Primord. p. 122, 123.*

(*x*) *Id. p. 23, &c.*

But having thus far examined the *Authority* of this Tradition, I now come to consider the *Circumstances* of it. And supposing the Testimonies to confirm it to have been of far greater Authority than I find them, yet the very improbable Circumstances of the Story it self would be a sufficient reason for me to pass it over (leaving every one to believe as much of it as he sees cause) *viz.*

(1.) The Tradition of the Church mentioned by (*y*) *Eusebius*, (*z*) *Sophronius*, (*a*) St. *Chrysostome*, and (*b*) *Hippolytus Portuensis*, *That St.* Philip *continued preaching in the Eastern Parts*, *about* Phrygia, *and suffer'd at* Hierapolis.

(*y*) Euseb. *l. 5. c. 24.*

(*z*) Sophron. *de Script. Eccles.*

(*a*) Chrys. *de 12. Apost.*

(*b*) Hyppolyt. *de 12 Apost.*

(2) The Eremetical course of their Lives so wholly different from that of the Apostles, and other Disciples of our Lord, in an Age of so much business and employment in Preaching the Gospel, who went from one City and Countrey to another for that End. (3.) The

(3.) The building of the Church by a *Viſion* of the *Archangel*, and devoting it and themſelves to the *Bleſſed Virgin*, ſavours too groſly of Monkiſh Superſtition to be near the time pretended.

(4.) The Conſecration of a *Church-yard* together with a *Church*, in order to the burial of perſons in it at that time, is none of the moſt probable Circumſtances, and yet it is a material one. *Quod ipſe Dominus Eccleſiam ſimul cum Cœmeterio dedicarat:* (c) Sir *Henry Spelman* obſerves, *That the cuſtom of compaſſing Churches, with Church-yards, was not ſo ancient:* And withall he adds, *That although the* Britiſh *Cities had Churches from the beginning of Chriſtianity, yet there were no burying places within Cities, till* Cuthbert, *Archbiſhop of* Canterbury, *obtain'd leave for it, about* Anno Dom. 758. Upon this (d) *Alford* and (e) *Creſſy* charge him with *a manifeſt miſtake and great impertinency.* A miſtake, *in that* Ethelbert *and* Auguſtine *were both buried in the Church of St.* Peter *and St.* Paul. And what then? Doth Sir *Henry Spelman* ſay there was no burying *in Churches* before *Cuthbert*'s time? No. But that there was no Burying Place *in Cities* before that time. For the *Church* of St. *Auguſtine*, or St. *Peter* and St. *Paul*, was *without the City*. For ſo the (f) *MS. Chronicle of St.* Auguſtine's ſaith, *That when the Bodies of the Kings and Archbiſhops were carried thither to burial, they follow'd our Saviour, who ſuffer'd without the Gate. And that it was like the children of* Iſrael's *going out of* Egypt, *&c.* Which is ſufficient to prove the truth of Sir *Henry Spelman*'s, Obſervation, which relates to Burying *in Cities* and not *in Churches*. And withall the Reaſon alledged in one of the *Charters* of (g) King *Ethelbert*, why that place was aſſigned for a Burying place, is, *becauſe the City is for the Living, and not for the Dead.* But why do they not prove the *Antiquity* of *Church-yards* to be ſo great, which was the moſt to the purpoſe? But they ſay, *Sir* Henry Spelman's *Obſervation was impertinent*, Glaſſenbury *being then a ſolitary place, and very far from being a City.* It is true, if the weight had been laid by him only upon that, there being no Evidence of any *Roman City* there. But his deſign was to prove, *That Church-yards were not then adjoining to Churches, becauſe the Cemeteries were without the City, and the Churches within in the* Britiſh *times*; And even in the *Saxon* time, (h) he ſaith, *although they buried in Churches, yet thoſe Churches in which they buried were without the Cities, till* Cuthbert *firſt procured the alteration by Royal Authority, and, ſome ſay, by Papal too.* But the Monks of St. *Auguſtine*'s denied the Pope's Confirmation.

(c) Spelman. *Concil. p.* 11.

(d) *Annal. A. D.* 63. *n.* 26.

(e) *Church Hiſtory, l.* 2. *ch.* 8. *n.* 5.

(f) *Chronic. MS. Tit.* 12.

(g) *Monaſtic. Vol.* 1. *p.* 24.

(h) Spelman. *Concil. p.* 290.

But the main Circumſtance I ſhall inſiſt upon, is, the *Incongruity* of this Story with the *condition* of the *Roman Province* at that time. For there was no ſuch *Britiſh* King then as *Arviragus*, and in that Country, as will appear by the more Southern parts of the Iſland being reduced into the *form of a Province* before *Anno Dom.* 63. when the *Glaſſenbury* Tradition ſaith, *Joſeph* of *Arimathea* came firſt to *Britain.* For (i) *Tacitus* ſaith, it was done *as to the neareſt part of the Iſland, when* A. Plautius *and* Oſtorius Scapula *were Governours here*, and between them and *Suetonius Paulinus* were *Didius Gallus* and *Veranius.* In probability the *Belgæ* were ſubdued by *Veſpaſian*, of whom (k) *Suetonius* ſaith, *That he conquer'd here two powerfull Nations, above twenty Towns, and the Iſle of* Wight. By which we find his employment was Weſtward, and the

(i) Tacit. *vit.* Agric. *c.* 14.

(k) Sueton. *in* Velp. *c.* 4.

Belgæ and *Dannonii* were *the two powerfull Nations* that way. And in all the Actions afterwards, we find no Care taken by the *Roman* Generals to ſecure themſelves againſt the *Belgæ*, as they did againſt the *Brigantes* and *Silures*, among whom *Caractacus* commanded; ſo that there could be no ſuch *Britiſh* King at that time among the *Belgæ* as *Arviragus* is ſuppoſed to have been. For if there had been when (*l*) *Oſtorius* marched Northwards, having ſuppreſſed the *Iceni*, it is not to be ſuppoſed, that he would have fixed his Garriſons on the *Severn* and the *Avon*, to ſecure the *Province*. For, as our (*m*) Judicious Antiquary hath well obſerved, *The deſign of* Oſtorius *therein was to keep the Provincial* Britains *from joining with the others*; and therefore, all on this ſide thoſe Garriſons were within the *Roman Province*; Now the places where the Garriſons were placed are by *Tacitus* ſaid to be *Antona* and *Sabrina*. The latter is certainly the *Severn*, which parted the *Belgæ* and the *Silures*. For *Antona*, *Camden* reads *Aufona*, (although *Northanton* comes nearer the former Name, and *Southanton* had its Name from the River *Anton*, which there runs into the Sea; and *Ptolemy* calls *Triſanton*, *i. e.* ſaith *Camden*, *Traith Anton*, the *Mouth of Anton*) But he chuſes *Aufona*, for this reaſon, becauſe the two *Avons* riſe both in the County of *Northampton*, and ſo cut the Iſland, that none can paſs out of the North, but they muſt croſs one or the other of them, or elſe fall upon the *Roman Garriſons* between, the Remainders whereof he takes notice of between the riſe of the two *Avons* at *Gilsborough* and *Daintry*; by which means he hindred all intercourſe between the *Brigantes* and the *Roman Province*, as the other did between the *Silures* and them. But if there had been ſuch a *Britiſh* King as *Arviragus* among the *Belgæ*, what would the fortifying the *Severn* have ſignified, when the Enemies to the *Romans* lived on the *Roman* ſide? *Tacitus* indeed mentions an Expedition of *Oſtorius* againſt the *Cangi*, whom (*n*) *Camden* ſometimes thought *a ſmall People among the* Belgæ, but upon better conſideration, (*o*) he places them in *Cheſhire*, where he found an *Inſcription* concerning the *CEANGI*. And *Tacitus* ſaith, *They were not far from the Sea Coaſt which looks towards* Ireland.

(*p*) *R. White* of *Baſingſtoke* ſuppoſes this *Arviragus* to beſtow the *Iſland* on *Joſeph* of *Arimathea*, when *Trebellius Maximus* was Governour here, who ſucceeded *Petronius Turpilianus* the year *C. Suetonius Paulinus* was *Conſul* at *Rome*; Which, according to the *Savilian Faſti*, was in the twelfth year of *Nero*, and *Anno Dom* 67. (four years after *Joſeph*'s coming, according to the *Glaſſenbury Tradition*) but that is no great matter, if at that time we are ſure there was no ſuch a King as *Arviragus* among the *Belgæ*: But he again contradicts the *Glaſſenbury* Story. For *Malmesbury* ſaith, *That the Barbarous King obſtinately refuſed to quit his Religion, but, out of pity to them, gave them the Iſland to live in*; but *White* ſaith, *He was well affected to the Chriſtian Religion, and was in all reſpects an admirable Prince.* This *Arviragus* he takes out of the (*q*) *Britiſh Hiſtory*, where pleaſant Stories are told of him, and from thence in (*r*) *Matthew Weſtminſter*, as, of his oppoſing *Claudius*, and then marrying his Daughter *Geniſſa*, and the reconciliation between him and *Veſpaſian* by her means, *&c.* And how his Son *Marius* ſucceeded him, and then *Coilus* who was wonderfully beloved by the *Roman* Senate. Here we have found at laſt the three Kings of *Glaſſenbury*, *Arviragus*, *Marius* and *Coilus*, as they are exſtant in *Capgrave* and others: So that the *Glaſſenbury* Tradition had not its perfection till

(*l*) Tacit. *Annal.* 12. *c.* 30.

(*m*) Camd. *Britain. p.* 375.

(*n*) *Britan. p.* 68.

(*o*) *Brit. p.* 463.

(*q*) R. Wh. *Baſing. l.* 4. *p.* 293.

(*q*) Galfr. *Mon. l.* 1. *c.* 25, 26.

(*r*) Matt. *Weſt. A.D* 44.

till it had received these improvements from the *British History*. For *William* of *Malmesbury*, though he took so great pains in this matter, yet knew nothing of *Arviragus*, *Marius* and *Coilus*. He speaks indeed of *three Pagan Kings giving twelve portions of Land to the twelve Brethren*, but he knew not their Names. *Which Grant*, he saith, *was confirmed by King* Lucius *to twelve others who were placed there, in imitation of the first twelve. And this continued to the coming of St.* Patrick. And yet towards the Conclusion of this Book he saith, *That* Anno Domini 601. *the King of* Dompnonia, *i. e.* Devonshire *and* Cornwall, *gave to the old Church in* Glassenbury *the Land called* Ynis Withrin, *or, the* Island of Avalon. Who this King was, he saith, he could not learn, but he concludes him to have been a *Britain*, by calling the *Island* by the *British* Name. But as to *Arviragus*, that there was a *British* Prince of that name cannot be denied, since *Juvenal* mentions him in *Domitian*'s time.

Omen habes, inquit, magni clarique Triumphi,
Regem aliquem capies, aut de Temone Britanno
Excidet Arviragus

Satyr. 4. *v.* 125.

The (*s*) Author of the *Chronicle* of *Dover* understands this Passage as spoken to *Nero*; which agrees much better with the Tradition of *Glassenbury*, but will by no means agree with *Juvenal*, who saith plainly enough that Satyr related to *Domitian* and his Flatterers. And this was a very insipid Flattery to *Domitian*, unless *Arviragus* were a considerable Prince then living, and an Enemy to *Cæsar*. For what Triumph could he have over a Subject or a Friend as *Arviragus* is supposed after the reconciliation with *Vespasian?* And no such Enemy could appear at that time in those parts of *Britain*. For (*t*) *Petilius Cerealis* had Conquer'd the *Brigantes*, and *Julius Frontinus* the *Silures*, and *Agricola* after them the *Ordovices:* And in the time of his Government, *Tacitus* saith, *Even the confederate Cities among the* Britains, *who stood upon Terms of Equality before they submitted themselves to the* Roman *Power, and received Garrisons among them. After this* Agricola *proceeded Northwards against new People, who destroyed them as far as the Frith of* Taus (Tweed.) *Then he fortified the Passage between* Glota *and* Bodotria (Dumbretton *and* Edenborough *Frith.*) So that the *Romans* were absolutely Lords of all this side, *having cast out the Enemy as it were into another Land*, as Sir *Henry Savil* translates the words of *Tacitus*. From which it is evident, there could be no such King as *Arviragus* at that time in these parts of the Island, over whom *Domitian* could expect a Triumph.

(*s*) *Chron. Dover. apud* Leland. *Collect. vol.* 2. *p.* 50.

(*t*) Tacit. Agric. *c.* 17, 18, 20.

But suppose there were, what is this to the eighth of *Nero*, when *Joseph* of *Arimathea* is said to have come hither, at what time *Arviragus* is said to be King in *Britain?* It is possible he might live so long, but how comes he to be never mention'd in the *Roman* Story, as *Prasutagus*, *Cogidunnus*, *Caractacus*, *Togodumnus* and *Galgacus* are? *Arviragus* his name was well known at *Rome* in *Domitian*'s time; why not spoken of before? (*u*) Some think he was the same with *Porsutagus*; but this cannot be, for *Prasutagus* was dead before the Revolt of the *Britains* under *Boadicea*, which was occasion'd by the *Romans* ill usage of the *Britains* after his death. And *Prasutagus* left only two Daughters, what becomes then of his Son *Marius?* whom (*w*) *White* would

(*u*) D. Powel. *in Catal. Reg. Brit.*

(*w*) White *Hist. Brit. l.* 4. *p.* 384.

would have to be *Cogidunus*. But *Marius* is said to succeed *Arviragus*, who was alive in *Domitian*'s time, and *Cogidunus* had the Cities conferred upon him before *Suetonius Paulinus* came into *Britain*, as appears by *Tacitus*; which are things inconsistent. (*x*) Others say that *Arviragus* was the same with *Caractacus*; for this Opinion *Alford* contends, and *Juvenal*, he saith, mentions the name by a *Poetical Licence*, although he lived long before. But what reason is there to suppose that *Fabricus Veienti* should make such a course Complement to *Domitian*, that he should triumph over a Man dead, and triumphed over once already, by *Claudius*, who was never known at *Rome* by any other Name than *Caractacus* (as far as we can find) by which he was so famous for his long Opposition to the *Romans*? But it is very probable, that in *Domitian*'s time, after the recalling *Agricola*, and taking away the Life of *Salustius Lucullus*, his Successor, The *Britains* took up Arms under *Arviragus*. And the (*y*) Learned Primate of *Armagh* mentions an old *British Coin* in Sir *R. Cotton's Collections* with these Letters on it *ARIVOG*, from whence he thinks his true name was *Arivogus*, which the *Romans* turned to *Arviragus*. And the old Scholiast there saith, *that was not his true Name*. The *Britains* being now up in Arms, as far as we can learn, were not repressed till *Hadrian* came over in Person, and built the first Wall, to keep them out of the *Roman* Province. For, before this, (*z*) *Spartianus* saith, *The* Britains *could not be kept in subjection to the* Roman *Power*. So that here was a fit season in *Domitian*'s time (*Agricola* being recalled in the beginning of *Domitian*'s Reign) for such a King as *Arviragus* to appear in the head of the *Britains*, and it was then a suitable Complement to him, to wish him a Triumph over *Arviragus*. But (*a*) *Alford* saith, *that* Claudius *sent* Caractacus *home again, and after many years he died in Peace, being a Friend to the* Romans. How then comes *Tacitus* to take no notice of him, as he doth of *Cogidunus*? Is it probable the *Romans* would restore so subtile and dangerous an Enemy as *Caractacus* had been to them? *Cogidunus* had been always faithful to them, but *Caractaeus* an open Enemy, and the *Silures* still in being, over whom he commanded, and not over the *Belgæ*, as he must have done, if he were the *Arviragus who gave the Hydes of Land to* Joseph *of* Arimathea *and his Companions*.

(*x*) Alford. *Annal. Eccles. A. D.* 45. *n.* 9.

(*y*) Usser. *Prim. p.* 583.

(*z*) Spartian. *in* Hadriano.

(*a*) Alford. *A. D.* 53. *n.* 7.

These things I have here put together to shew for what Reasons I decline the Tradition of *Joseph* of *Arimathea*'s coming hither to Preach the Gospel. And although they may not be sufficient to convince others, yet I hope they may serve to clear me from *unexcusable Partiality*, which (*b*) Mr. *Cressy* charges on all who call this Tradition into question.

(*b*) *Church History, l.* 2. *ch.* 1. *n.* 9.

(2.) But, notwithstanding, I hope to make it appear from very good and sufficient Evidence, *that there was a Christian Church planted in* Britain *during the Apostles times*. And such Evidence ought to be allow'd in this matter which is built on the Testimony of ancient and credible Writers, and hath a concurrent probability of Circumstances.

I shall first produce *the Testimony* of ancient and credible Writers. For it is an excellent Rule of (*c*) *Baronius* in such Cases, *That no Testimonies of later Authours are to be regarded concerning things of remote Antiquity, which are not supported by the Testimony of ancient Writers*. And there

(*c*) Baron. *A. D.* 1. *n.* 12.

there is a difference in the force of the Teſtimony of ancient Writers themſelves, according to their Abilities and Opportunities. For ſome had far greater Judgment than others, ſome had greater care about theſe matters, and made it more their buſineſs to ſearch and enquire into them; and ſome had greater advantages by being preſent in the Courts of Princes or Councils of Biſhops, whereby they could better underſtand the Beginning and Succeſſion of Churches. And for all theſe, there was none more remarkable in *Antiquity* than *Euſebius*, being a learned and inquiſitive Perſon, a Favorite of *Conſtantine*, the firſt Chriſtian Emperour (born and proclaimed Emperour in *Britain*) one preſent at the Council at *Nice*, whither Biſhops were ſummoned from all parts of the Empire, and one that had a particular curioſity to examine the Hiſtory of all Churches, deſigning an *Eccleſiaſtical Hiſtory* out of the *Collections* he made. The Teſtimony of a Perſon ſo qualified cannot but deſerve great Conſideration, eſpecially, when it is not delivered by way of Report, but when the force of an *Argument* depends upon it. And *(d) Euſebius*, in his third Book of *Evangelical Demonſtration*, undertakes to prove, *that the Apoſtles, who firſt preached the Goſpel to the World, could be no Impoſtors or Deceivers*; and, among other Arguments, he makes uſe of this, *That although it were poſſible for ſuch men to deceive their Neighbours and Countreymen with an improbable Story, yet what madneſs were it for ſuch illiterate Men, who underſtood only their Mother Tongue, to go about to deceive the World by preaching this Doctrine in the remoteſt Cities and Countries?* And having named the *Romans*, *Perſians*, *Armenians*, *Parthians*, *Indians*, *Scythians*; he adds particularly, that ſome paſſed over the Ocean ὅτι τὰς καλουμένας Βρεττανικὰς νήσους, *to thoſe which are called the* Britiſh *Iſlands.* From whence he concludes, *that ſome more than humane Power did accompany the Apoſtles, and that they were no light or inconſiderable Men, much leſs Impoſtors and Deceivers.* Now unleſs this had been a thing very well known at that time, that Chriſtianity was planted here by the Apoſtles, why ſhould he ſo particularly and expreſly mention the *Britiſh* Iſlands? It cannot be ſaid that they are only ſet down to denote the moſt remote and obſcure places. For, long before that time the *Britiſh* Iſlands were very well known all over the *Roman* Empire, *Britain* having been the Scene of many Warlike Actions from *Claudius* his time; The Occaſion of Emperors additional Titles and Triumphs; The Reſidence of *Roman* Lieutenants and Legions; The Place of many *Roman* Colonies, Cities and Ways: But eſpecially, about *Conſtantine*'s time, It was the talk of the World, for the Revolt of *Carauſius* and *Allectus*; The Victory and Death of *Conſtantius* here; The Succeſſion of *Conſtantine*, and his being declared Emperor by the Army in *Britain.* So that ſcarce any *Roman* Province was ſo much intereſted in the ſeveral Revolutions of the Empire as *Britain*, and therefore *Conſtantine* going from hence, and being ſo much in the eſteem of *Euſebius*, it is not to be conceived, that he ſhould ſpeak theſe Words at random, but that he had made a diligent Enquiry both of *Conſtantine* himſelf, to whom he was well known, and of others of his Court, concerning the State of the *Britiſh* Churches, of what continuance they were, and by whom planted. After all which *Euſebius* affirms it with ſo much aſſurance, *That ſome of the Apoſtles preached the Goſpel in the* Britiſh *Iſlands.*

(d) Euſeb. Demonſt. Evang. l 3. c. 7. p. 113.

Much

Much to the ſame purpoſe (e) *Theodoret* ſpeaks, another learned and judicious Church Hiſtorian. For among the Nations converted by the Apoſtles, he expreſly names the *Britains*; and elſewhere ſaith, (f) *That St.* Paul *brought Salvation to the Iſlands that lie in the Ocean*, after he had mention'd *Spain*, and therefore in all probability the *Britiſh* Iſlands are underſtood by him. And in another place (g) he ſaith, *That St.* Paul, *after his Releaſe at* Rome, *went to* Spain, *and from thence carried the Light of the Goſpel to other Nations.* What other Nations ſo likely to be underſtood as thoſe which lay the neareſt, and are elſewhere ſaid to be converted by the *Apoſtles*, as the *Britains* are by him? St. (h) *Jerome*, ſaith, *That St.* Paul, *having been in* Spain, *went from one Ocean to another, imitating the motion and courſe of the Sun of Righteouſneſs, of whom it is ſaid, his going forth is from the end of Heaven, and his circuit unto the ends of it; and that his diligence in Preaching extended as far as the Earth it ſelf.* Which are more indefinite Expreſſions. But elſewhere he ſaith, (i) *That St.* Paul, *after his Impriſonment, preached the Goſpel in the Weſtern parts*; By which the *Britiſh* Iſlands were eſpecially underſtood; As will appear by the following Teſtimony of (k) *Clemens Romanus*, who ſaith, *St. Paul preached Righteouſneſs through the whole World, and in ſo doing went* ἐπὶ τὸ τέρμα τῆς Δύσεως, *to the utmoſt bounds of the Weſt.* Which Paſſage will neceſſarily take in *Britain*, if we conſider what was then meant by *the Bounds of the Weſt. Plutarch*, in the Life of *Cæſar*, ſpeaking of his Expedition into *Britain*, ſaith; *He was the firſt who brought a Fleet into the Weſtern Ocean*; By which he underſtands the Sea between *Gaul* and *Britain.* And (l) *Euſebius* ſeveral times calls *the* Britiſh *Ocean, the Weſtern*, and joins the *Britiſh* Ocean and the Weſtern parts together. And (m) elſewhere he mentions *Gaul and the Weſtern parts beyond it*; by which he underſtands *Britain.* And (n) *Theodoret* reckons up *the Inhabitants of* Spain, *of* Britain *and* Gaul, (*who*, ſaith he, *lie between the other two*) as thoſe *who dwell in the bounds of the Weſt*; And among theſe the *Britains* muſt be in the *utmoſt bounds*, becauſe the *Gauls* lie in the midſt. (o) *Herodotus* ſaith, *the* Celtæ *are the moſt Weſtern of all the* Europeans. Now the ancient *Greek* Geographers knew of but two Nations in *Europe* beſides themſelves, the *Celtæ* and the *Scythæ*; theſe latter comprehended all in the moſt Northern parts of *Europe*, and the *Celtæ* the Weſtern; And among theſe the remoteſt were the *Britains.* Thence (p) *Horace* calls them, *Ultimos Orbis* Britannos; As (q) *Catullus* before him, *Ultimóſque* Britannos. For before the diſcovery of *Britain*, the *Morini*, who lived over againſt it, were ſaid to be the utmoſt People of the Earth. So (r) *Virgil* calls them, *Extremos hominum* Morinos. And (s) *Pliny*, *Ultimique hominum exiſtimati* Morini. *Æthicus* ſaith they were, *Gentes Oceani Occidentalis.* But *Britain* being throughly made known in the time of *Claudius*, The *utmoſt bounds of the Weſt* muſt be underſtood of *Britain*, eſpecially ſince (t) *Catullus* calls *Britain*, *Ultimam Occidentis Inſulam.* And (u) *Arnobius* ſetting down the *bounds* of the Goſpel Eaſt and Weſt, for the Eaſt he mentions the *Indians*, and for the Weſt the *Britains.* I cannot but wonder what ſo Learned a man as (w) *Joh. Launoy* means, when, being urged by his Adverſaries with this place of *Clemens his Epiſtle* to prove the *Apoſtolical Antiquity* of the *Gallican Churches*, He fairly rejects the authority of this *Epiſtle*, which hath been ſo univerſally received by all Learned men ſince the firſt publiſhing of it. But then he argues well, that if this paſſage holds for *Gaul*,

(e) Theodoret. *To.* 4. *Serm.* 9. *p.* 610.
(f) *To.* 1. *in* Pſal. 116. *p.* 870.
(g) *In* 2. *ep. ad* Tim. 4. *v.* 17.
(h) Hieron. *in* Amos *c.* 5.
(i) *De Script. Eccleſ.*
(k) Clem. *Epiſt. ad* Corinth. *p.* 8.
(l) Euſeb. *vit.* Conſt. *l.* 1. *c.* 25. 41. *l.* 2. *c.* 28.
(m) Euſeb. *de Martyr. Paläſt. c.* 13.
(n) Theod. *Hiſt. Religioſ. c.* 26. *p.* 881.
(o) Herod. *l.* 4. *p.* 273.
(p) Horat. *Carm. l.* 1. *c.* 35.
(q) Catull. *ad* Aur.
(r) *Æne. d. l.* 8.
(s) Plin. *l.* 19. *c.* 1.
(t) Catull. *ad* Cæſar.
(u) Arnob. *in* Pſal. 147.
(w) Launoy *de loco* Sulpic. Severi, § 29. *p.* 123.

Gaul; it will much more hold for Britain. So that from this undoubted Testimony of *Clemens* it follows, not only, *That the Gospel was preached in* Britain *in the times of the* Romans, but, *That St.* Paul *himself was the Preacher of it.* Which is affirmed by (x) *Venantius Fortunatus*, where he describes St. *Paul*'s labours.

(x) Ven. Fortunat. *vit. St.* Martini, *l.* 3.

Transit & Oceanum, vel quà facit Insula Portum,
Quáque Britannus *habet terras, quáque ultima* Thule.

But because this may look only like a *Poetical Expression*,

(3.) To make this out more fully, I shall consider the *concurrent probability of Circumstances*, together with these *Testimonies*. And I shall make it appear, (1.) From St. *Paul*'s *Circumstances*, that he had Leisure and Opportunity enough to have come hither. (2.) From the *Circumstances* of *Britain*, that here was incouragement and invitation enough for him to come. (3.) From the *Circumstances* of the *rest* of the *Apostles*, That he was the most likely to come hither of any of them.

(1.) That St *Paul* had Leisure and Opportunity enough to come hither to preach the Gospel. It is agreed by (y) *Eusebius*, St. (z) *Jerome*, and others of the Ancients, *That St.* Paul *suffer'd at* Rome, *14th of* Nero. (a) *Baronius* saith, the 13th, reckoning the years of *Nero* exactly from the beginning of his Reign in *October*; But (b) *Petavius* saith, *That the Ancients reckon'd the years according to the usual custom of a civil year.* So that the 13th of *Nero*'s Reign is the 14th from the *Calends* of *January*. St. *Paul* was sent to *Rome*, when *Festus* was made *Procurator* of *Judæa*, in the room of *Felix*, which was, I say *Eusebius* and St. *Jerome*, in the second of *Nero*; And I see no reason to question it; For although *Felix* succeeded *Cumanus* in the Government of *Judæa*, who was not condemned till the 12th of *Claudius* (from whence to the second of *Nero* cannot be reckon'd those *many years* (c) St. *Paul* saith *he had been Governour among the* Jews) yet we are to consider, that *Felix* was not sent immediately from *Rome*, as (d) *Baronius* mistakes, but upon *Cumanus* his Sentence, had his former Government inlarged. *Judæa* being then added to his *Province*, and part of the Province which he had before being given to *Agrippa*, as (e) *Josephus* saith; So that part of *Galilee* and *Samaria* having been under his Government before, Saint *Paul* might well say, he had been *a Ruler among them many years*, although he were dismissed in the second of *Nero*. And although (f) *Tacitus* saith, *That* Felix *had been a long time Governour of* Judæa, yet it appears, by the distribution of the Province between *Cumanus* and him, That before *Cumanus* his Banishment, that which was properly *Judæa* fell not to his share; And it is not probable that his Government should outlast the Favour of *Pallas* with *Nero*, which mightily declined in his second year. After Saint *Paul*'s coming to *Rome*, Saint *Luke* saith, he abode there (g) two years. But (h) *Massutius* observes from the *Circumstances* of St. *Paul*'s Voyage, *That he could not come to* Rome *till the third of* Nero. So that he could not have his liberty till the fifth, upon occasion of the Favours shew'd, as he conjectures, to Prisoners and Exiles on the Murder of *Agrippina*. But from this time to his returning to *Rome*, he went up and down Preaching the Gospel. To which time (i) *Godeau*, in his

(y) Euseb. *in Chron.*
(z) Hieron. *in Catal.*
(a) Baron. *A. D.* 69. *n.* 1.
(b) Petav. *de Doctr. Temp. l.* 11. *c.* 14.
(c) Act. 24. 10.
(d) Baron. *A. D.* 50. *n.* 8.
(e) Joseph. *de Bell. Jud. l.* 2. *c.* 11.
(f) Tacit. *Annal.* 12. *c.* 54.
(g) Act. 28. 30.
(h) Massut. *de vit. S. Pauli, l.* 13. *c.* 1.
(i) *Vie de St.* Paul, *l.* 2. *p.* 285.

Life of St. Paul, allows eight years : (*k*) *Maſſutius* rather more ; (*l*) *Baronius* the ſame ; And he ſaith, *it was time enough for him to paſs through the whole World* ; Which *Maſſutius* repeats after him. The Queſtion now is, Where Saint *Paul* employ'd all this time ? The ancient Writers of the Church generally ſay, *in the Weſtern parts* ; ſo *Clemens*, *Theodoret*, St. *Jerome*, *Athanaſius*, *Epiphanius*, and others. But I need not inſiſt on particular Teſtimonies, ſince the only Learned (*m*) Perſon who hath oppoſed this Opinion doth ingenuouſly confeſs it to have been *the common and received Opinion of all the Fathers*. And I ſee no reaſon, by any thing he hath produced, to recede from it. For ſuppoſe we ſhould grant, that he went back into the Eaſtern parts, and viſited the Churches there, ſome part of this time ; yet there is enough ſtill left for St. *Paul* to Preach the Goſpel in *Britain* and other Weſtern parts, as the Fathers ſay that he did. And if we compare the time ſpent by St. *Paul* in his former Travels in the Eaſt, and allow him to uſe an equal diligence afterwards, there cannot appear any improbability that he ſhould come into *Britain*, and eſtabliſh a Chriſtian Church here. Three *Peregrinations* of St. *Paul* we have an Account of in the *Acts* of the *Apoſtles*, before his Voyage to *Rome*. The (*n*) firſt is of him and *Barnabas*, from *Antioch* to *Seleucia*, *Cyprus*, *Perga*, *Iconium*, *Lyſtra*, and *Derbe* of *Lycaonia* ; from whence they returned back and ſettled the Government of the *Churches* then planted by them. And although it be ſaid (*o*) *that they abode long at* Iconium *and* Antioch, yet (*p*) *Maſſutius* ſhews, *That this whole Peregrination took up but five years* : Which is as much as (*q*) *Baronius* allows from the beginning of it, to the Council of *Jeruſalem*. For that he placeth in the 4th of *Claudius*, and this in the 9th. But (*r*) he makes their return to *Antioch* in the 7th, ſo that he allows but three years to the founding and ſettling ſo many Churches. After the *Council* at *Jeruſalem*, St. *Paul* takes another Progreſs from *Antioch*, and went through (*s*) *Syria* and *Cilicia*, from thence to *Derbe* and *Lyſtra* ; and ſo through *Phrygia*, and *Galatia*, and *Myſia* ; and then from *Troas* croſſed the Sea into *Macedonia*, where he firſt Preached at *Philippi*, a *Roman Colony* : And from thence paſſed to *Theſſalonica*, and ſo to *Berrhæa*, *Athens* and (*t*) *Corinth*, where he tarried a year and ſix months and more, and then ſailed into *Syria*, and made haſt to *Jeruſalem*, and ſo returned to *Antioch*. This ſecond Progreſs (*u*) *Baronius* reckons from the ninth of *Claudius* to the twelfth, and half the time was ſpent at *Corinth*. The third was again from *Antioch* over all the Countrey of *Galatia* and *Phrygia*, to which (*w*) *Baronius* allows a years time ; And the next he fixes at *Epheſus*, where St. *Paul* ſaith he (*x*) tarried three years (not exactly, but the far greateſt part of it, having taught (*y*) *three months in the Synagogue*, and *two years in the School of* Tyrannus.) From *Epheſus* he goes into *Macedonia* and *Achaia*, and having abode there *three months*, he returned through *Macedonia* to *Troas*, and from thence he went to *Miletus*, whither he ſent for the *Elders of the Church*, and took his ſolemn leave of them, ſaying, (*z*) *that they ſhould ſee his Face no more*. From *Miletus* he paſſed to *Phœnicia*, and ſo to *Jeruſalem*, where he was kept *two years* in cuſtody, and then ſent by *Feſtus* to *Rome*. This is a ſhort account of St. *Paul*'s labours and diligence in Preaching the Goſpel before his Impriſonment at *Rome*. And we cannot ſuppoſe a Perſon of ſuch indefatigable Induſtry and Pains, ſhould lie ſtill ſo many years after. It is certain he thought

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(*k*) Maſſut. *ib.* c. 67. (*l*) Baron. *A. D.* 61. *n.* 2. (*m*) L. Cappell. *ad Hiſt. Apoſtol. Appen. p.* 29. (*n*) Act. 13. 14. (*o*) Act. 14. 3, 8. (*p*) Maſſut. *l.* 4. *c.* 9. (*q*) Baron. *A. D.* 46. *n.* 12. (*r*) *A. D.* 49. *n.* 1. (*s*) Act. 15. 41. (*t*) Act. 18. 11, 18. (*u*) Baron. *A. D.* 51. *n.* 56 (*w*) Baron. *A. D.* 54. *n.* 1. Act 18 23. (*x*) Act. 20. 31. (*y*) Act. 19. 8, 10. (*z*) Act. 20. 25, 38.

be

he should never return more to the Eastern Parts, when he said so solemnly, *I know that ye all, among whom I have gone Preaching the Kingdom of God, shall see my Face no more.* Which Words do not only concern the *Church* of *Ephesus*, but all the other *Churches* planted by him in the East; And this he speaks not as his fear or conjecture, but out of certain Knowledge. And therefore it is not probable he should return into the East, nor, if he did, would this hinder his coming into these parts afterwards, where he might plant *Churches* within that time. But it is objected, *That there are no certain Monuments of such Churches planted by him in* Italy, Gaul, Germany *or* Spain. What certain Monuments are there of new *Churches* planted by him in the East after his return? And it is much less probable, because the Eastern Writers, who should know best, allot this time to his Preaching in the West. But it is well observed by the Learned (*a*) *M. Velserus*, speaking of the Preaching of the Apostles, St. *Peter* and St. *Paul*, in these Western parts, *That we are not to judge of the Planting of Churches by the remaining Annals and Monuments, because on the one side we are certain that their sound went out into all the Earth: And on the other, great care was taken in the several Persecutions, especially that of* Diocletian, *to burn all the Monuments which concerned the Christian Churches.* But yet, as to *Britain*, we have undoubted Testimony of a Christian Church planted here by the *Apostles*, and by none so probably as St. *Paul*. For *Gildas* saith, *The Gospel was here received before the fatal defeat of the* Britains *by* Suetonius Paulinus; which, according to Sir *H. Savil*'s *Fasti*, was the seventh of *Nero*, the eighth saith *Petavius:* And St. *Paul* being at liberty the fifth, had time and conveniency enough to settle a *Christian Church* in *Britain*.

(a) M. Velser. Rer. Vindel. l. 6.

(2.) That there was Incouragement and Invitation enough for St. *Paul* to come into *Britain*, not only from the *Infinite numbers of People*, which, (*b*) *Cæsar* saith, were here in his time, but from the new Settlements that were daily making here by the *Romans*, after the first Success, which they had in the time of *Claudius:* For then *Colonies* were drawn over hither; And not only *Military Colonies* settled for the security of the *Roman Conquests*, such as that of *Camalodunum* is described by (*c*) *Tacitus*, formerly *the Royal Seat of* Cynobelin, *King of the* Trinobantes; but also *Civil* and *Trading Colonies*, such as *London* was from the beginning, and therefore commended by *Tacitus* for its admirable Situation for Trading, and all Accommodations to that end; and, upon the best enquiry I can make, I very much incline to believe it of a *Roman Foundation*, and no elder than the time of *Claudius* (as will be made appear in another Discourse:) And that in the time of *Suetonius Paulinus* it was inhabited by *Romans* and *Britains* together, is evident from *Tacitus*; When *Suetonius Paulinus* drew out the *Inhabitants*, the City not being then defensible against the *Britains*, who in that Revolt *destroyed LXX thousand* Romans *and their Allies*, saith *Tacitus*; But (*d*) *Dio* saith, *two Cities* (*London* and *Verulam*; for *Camalodunum* was destroyed before) *and Eighty thousand Men.* This was a time of so much Disorder and Bloudshed, That *Gildas* with great reason places the Planting of *Christianity* here before it. And St. *Paul* might have some particular incouragement at *Rome* to come hither from *Pomponia Græcina*, Wife to *A. Plautius*, the *Roman* Lieutenant under *Claudius* in *Britain*; For that she was a *Christian* appears very probable from the account *Tacitus* gives of her; (*e*) He saith, *she was accu-*

(b) Cæsar. l. 5.

(c) Tacit. Annal. 12. c. 32. 14. c. 31.

(d) Xiphil. p. 168.

(e) Tacit. Annal. 13.

ſed of foreign Superſtition, and that ſo far as to endanger her Life; But her Husband clear'd her, ſitting as Judge according to the ancient form; and ſhe lived long after, but in perpetual ſadneſs. If *Tacitus* were to deſcribe the *Primitive Chriſtians*, he would have done it juſt after this manner, Charging their *Religion* with *Superſtition*, and the *Severity* of their *Lives* (abſtaining from all the *Feaſts* and *Jollities* of the *Romans*) as a *continual Solitude*. It was the way of the Men of that time, ſuch as (*f*) *Suetonius*, and (*g*) *Pliny*, as well as (*h*) *Tacitus*, to ſpeak of *Chriſtianity* as a *Barbarous* and *Wicked Superſtition* (as appears by their Writings) being forbidden by their Laws; which they made the only *Rule* of *Religion*. And this happen'd when *Nero* and *Calphurnius Piſo* were *Conſuls*, after St. *Paul*'s coming to *Rome*, and therefore it is not unreaſonable to ſuppoſe her one of his *Converts*, by whom he might eaſily be informed of the ſtate and condition of *Britain*, and thereby be more incouraged to undertake a Voyage thither. It is certain that St. *Paul* did make conſiderable Converts at his coming to *Rome*; Which is the reaſon of his mentioning (*i*) *the Saint in* Cæſar's *houſhold*. And it is not improbable that ſome of the *Britiſh Captives* carried over with *Caractacus* and his *Family*, might be ſome of them; who would certainly promote the *Converſion* of their Country by St. *Paul*. But I cannot affirm, as (*k*) *Moncæius* doth, *That* Claudia, *mention'd by St.* Paul, *was* Caractacus *his Daughter, and turn'd Chriſtian, and after married to* Pudens *a* Roman *Senator*; *whoſe Marriage is celebrated by* Martial *in his noted Epigrams to that purpoſe*. It is certain that *Claudia Ruffina* was a *Britain*, who is ſo much commended by (*l*) *Martial* for her *Wit* and *Beauty*. But if theſe *Epigrams* were written in *Trajan*'s time, as is very probable, It is ſomewhat of the lateſt for the Daughter of *Caractacus* who came in *Claudius* his time to *Rome*. But (*m*) *Alford* digeſts all this well enough, only he is extremely concern'd, *leſt ſhe ſhould be made the Apoſtle of* Britain, *and preach here before St.* Peter. But the (*n*) *Author* of the *Antiquitates Britannicæ*, whom he reflects upon, ſaith no ſuch thing as he would impute to him. He only ſaith, *That if ſhe were a Chriſtian ſhe would acquaint her Countrymen as much with the Chriſtian Doctrine as ſhe did before with* Martial's *Wit*. Wherein there is no Profaneneſs or Abſurdity. But he adds, *that in ſo noble a Family, The reſt of her kindred who were baptized with her might be the Occaſions of diſperſing Chriſtianity in the* Britiſh *Nation*. So that there was no need, *for his bidding* Claudia *to keep at home, and make room for St.* Peter *to come to* Britain *to preach the Goſpel*. But if this *Claudia* were St. *Paul*'s Diſciple, why might not ſhe excite that *Apoſtle* to go into her Country, to plant *Chriſtianity* there, as he had done with ſo much Succeſs in other Places? And whether St. *Peter* or St. *Paul* were more probably the *Apoſtle* of *Britain*, is now to be conſidered. And I affirm,

(*f*) Suet. *l.* 6. *c.* 16.
(*g*) Plin. *Epiſt. l.* 10. *ep.* 98.
(*h*) Tacit. *Annal.* 15.
(*i*) Phil. 4. 22.
(*k*) Moncæius, *de Incunab. Regiis Eccleſ. Chriſtianæ Vet. Britann.*
(*l*) Martial. *l.* 4. *ep.* 13. *l.* 11. *ep.* 53.
(*m*) Alford *Annal. Eccleſ. A. D.* 53. *n.* 5, 6.
(*n*) *Antiq. Britan. p.* 3.

(3.) That St. *Paul* was the moſt likely to come hither of any of the *Apoſtles*. The ſeveral *Traditions* about St. *James*, *Simon Zelotes* and *Philip*, are ſo deſtitute of any ancient Teſtimony or Probability, that the Competition among the *Apoſtles* can lie only between St. *Peter* and St. *Paul*. Some Writers of our Church Hiſtory have endeavoured for particular Reaſons, to prove St. *Peter* to have preached the Goſpel in *Britain*; But their Proofs are very ſlight and inconſiderable, and depend chiefly on the authority of *Simeon Metaphraſtes* or other *Legendary Writers*, or ſome *Monkiſh Viſions*, or ſome *Domeſtick Teſtimonies* of his pretended

Suc-

Succeſſors, or ſome late *partial Advocates*, ſuch as (*o*) *Eyſengrenius*, who profeſſes to follow *Metaphraſtes*. All which together are not worth mentioning in compariſon with the Authors on the other ſide; I ſhall therefore examine the Probability of the thing from the *Circumſtances* of St. *Peter*, as I did before from thoſe of St. *Paul*; and I ſhall endeavour to ſhew, That his buſineſs lay quite another way, and that there is no probable Evidence of his coming hither.

(*o*) Eyſengren. *Cent.* 1 *part.* 7. *diſt.* 8.

I take it for granted, that the *Apoſtles* were employ'd according to the Tenour of their *Commiſſions*, viz. That the Apoſtle of the *Circumciſion* was to attend the *Jews*, and of the *Uncircumciſion* the *Gentiles*. Now St. *Paul* ſaith, That (*p*) *the Goſpel of the Uncircumciſion was committed to him, as the Goſpel of the Circumciſion was unto* Peter. *This*, (*q*) *Baronius* ſaith, *was agreed at the Council at* Jeruſalem. But he will not have it to be ſuch a diſtribution of *diſtinct Provinces*, as that the one upon no occaſion ſhould meddle with the *Gentiles*, nor the other with the *Jews*: But yet he grants, *that the Apoſtleſhip of the* Gentiles *was in a particular manner committed to St.* Paul, *as of the* Jews *to St.* Peter. And whatever they might do *occaſionally*, This, as he proves from (*r*) St. *Jerome*, was the *Principal Mandatum*, the *Main of the Commiſſion to either of them*. Which being ſuppoſed, It neceſſarily follows, that St. *Peter's chief Employment* muſt be where the greateſt *numbers* of *Jews* were. And from hence (*s*) *Petrus de Marca* infers, That St. *Peter*, having preached to the *Jews* in *Judæa*, employed himſelf in converting the *Jews* abroad both of the *firſt* and *ſecond Diſperſion*. The latter were chiefly in *Egypt*, at *Alexandria*, where he ſettled *Mark* the *Biſhop* over the *converted Jews*. From thence he went to *Antioch*; from thence to *Babylon*, where the Head of the *firſt Diſperſion* lived; *And in this City*, he ſaith, *he wrote his Epiſtle to thoſe diſperſed* Jews, *over whoſe Synagogues the Patriarch of* Babylon *had Juriſdiction*. *Clemens Romanus* takes no notice at all of St. *Peter's* Preaching in the Weſtern parts, as he doth of St. *Paul's*. But (*t*) *Euſebius*, from *Origen* ſaith, *That St* Peter *preached to the diſperſed* Jews *in* Pontus, Galatia, Bithynia, Cappadocia, *&c.* And (*u*) *Epiphanius*, even where he ſaith, *That St.* Peter *and St.* Paul *did both conſtitute Biſhops at* Rome, *upon their going thence to preach the Goſpel in other places*; yet he adds, *That St.* Paul *went towards* Spain, *but St.* Peter *frequently viſited* Pontus *and* Bithynia, which was very agreeable to the deſign of his Commiſſion, there being ſo great a number of *Jews* in thoſe parts. And *Pontus* and *Bithynia* ſeem to have been reſerved as the peculiar *Province* of St. *Peter*; For when St. *Paul* attempted to go into *Bithynia*, (*w*) *he was forbidden by the Spirit*, which then commanded him to come into *Europe*. And ſo he made for *Macedonia*. (*x*) *Baronius* grants, *that St.* Peter *ſpent the greateſt part of his time in the Eaſtern parts, but about* Anno Dom. 58. *he finds him employed in the Weſt, and particularly among the* Britains. But what *ancient authority*, according to his own Rule, doth he produce for it? He names none but *Metaphraſtes*, and yet as it falls out unluckily, when the ſame *Metaphraſtes* his authority is produced, *for St.* Paul *s preaching in the Weſtern parts*, he is apparently ſlighted by him (*y*) and for the very ſame Reaſon, which holds againſt the former Teſtimony, viz. *for quoting things out of* Euſebius, *which are not to be found in him*. And elſewhere he ſaith, (*z*) *he is of no authority in theſe matters*. But *Metaphraſtes* his Teſtimony ſerves to a good purpoſe in St. *Peter's* Caſe, *viz.* to clear a conſiderable difficulty, how

(*p*) Gal. 2. 7.

(*q*) Baron. *A. D.* 51. §. 16, 26, 28, 29.

(*r*) Hieron. *in Ep. ad* Gal. c. 2.

(*s*) Pet. de Marc. *de Concord. l.* 6. *c.* 1. *n.* 4.

(*t*) Euſeb. *Hiſt. l.* 3. *c.* 1.

(*u*) Epiphan. *Hær.* 27. *n.* 6.

(*w*) Act. 16. 7.

(*x*) Baron. *A. D.* 58. *n.* 51.

(*y*) *A. D.* 61 *n* 4.

(*z*) *A. D.* 44. *n.* 38.

how St. *Peter*, if then Bishop of *Rome*, should not then be taken notice of by St. *Paul*, when he wrote his *Epistle* to the *Romans*. To which he answers, *That St.* Peter *came to* Rome *the second of* Claudius, *but being banished thence with other* Jews *the ninth of* Claudius, *he spent the time then in preaching the Gospel in other places, and so* very conveniently *finds him in* Britain, *when St.* Paul *wrote his Epistle to the* Romans, which he placeth in the second of *Nero*. But it is by no means probable, saith (*a*) *Valesius*, *That St.* Peter *should come to* Rome *before the death of* Herod Agrippa. And (*b*) *Baronius* saith, *That after his being delivered out of prison, he went to* Cæsarea, Laodicea *and* Antioch (according to his own Author *Metaphrastes*) and then into *Cappadocia, Pontus, Galatia*, and *Bithynia*, and so returned by *Antioch* to *Jerusalem*. So that if *Metaphrastes* his authority be good for any thing, St. *Peter* could hardly come to *Rome* the second of *Claudius*: And if the death of *Agrippa* followed soon after the delivery of St. *Peter*, as *Valesius* thinks, and St. *Luke* seems to intimate; then he could not be at *Rome* till the fourth of *Claudius*, for all agree that *Agrippa* died that year. So that there is no certainty of St. *Peter*'s coming to *Rome* the second of *Claudius*. Yet let that be supposed, *And that St.* Peter *went from* Rome *on the Edict of* Claudius. What makes him so long absent from thence as to the second of *Nero*, when (*c*) St. *Paul* in his *Epistle* to the *Romans* salutes *Aquila* and *Priscilla* as then present at *Rome*, who certainly left it before on the (*d*) Account of that *Edict*. So that this *Edict* could be no reason of his being absent from *Rome* at the time of this *Epistle*. But it falls out unhappily, That though St. *Peter* be made by *Baronius* and others, *Bishop of* Rome *for twenty five years*, yet he can never be found in his own *Diocese* in all that time before his *Martyrdom*; But one excuse or other is still found for his absence, when there were several remarkable Transactions which must have discovered him if he had been at *Rome*; As not only upon St. *Paul*'s writing this *Epistle* to the *Romans*, but upon St. *Paul*'s coming to *Rome*, upon his writing so many *Epistles* from thence, upon the *defence* he made for himself, when he saith (*e*) *that all forsook him*. What St. *Peter* too? So that upon the whole matter, the Opinion of (*f*) *Lactantius* in his late published Book, seems most agreeable to truth, *That St.* Peter *came not to* Rome *till the Reign of* Nero, *and not long before his Martyrdom*; And this *Baluzius* confesses to have been *the most ancient and received Opinion in the Church*, since *Lactantius* never disputes it: And what he saith of *the twenty five years wherein the Apostles planted Churches*, was in likelihood the *occasion* of that mistaken *Tradition* concerning *St.* Peter's *being twenty five years Bishop of* Rome. So much may suffice to shew the greater probability, That the Christian Church in *Britain* was rather founded by St. *Paul* than by St. *Peter* or any other *Apostle*.

(*a*) Vales. *in* Euseb. *l.* 2. *c.* 16.

(*b*) Baron. *A. D.* 44. § 10.

(*c*) Rom. 16. 3.

(d) Act. 18. 2

(*e*) 2 Tim. 4. 16.

(*f*) Lactant. *de Mort. Persec. c.* 2.

CHAP.

CHAP. II.

Of the Succession of the *British* Churches to the first Council of *Nice.*

THE Testimony of Tertullian *concerning them cleared.*
It extends only to Britains.
The National Conversion of the Scots *under King* Donald *fabulous.*
Of Dempster's *old Annals.*
Prosper *speaks not of the* Scots *in* Britain.
Tertullian *to be understood of the Provincial* Britains *as well as others.*
The Testimony of Sulpitius Severus *examin'd.*
Several Testimonies of Origen *concerning the* British *Churches in his time.*
The different Traditions about King Lucius.
The State of the Roman *Province here, overthrows his being King over all* Britain.
Great probability there was such a King in some part of it, and then converted to Christianity.
A Conjecture proposed in what part of Britain *he reigned.*
The most probable means of his Conversion, and the Story cleared from Monkish Fables.
Of Diocletian's *Persecution in* Britain, *and the stopping of it by the means of* Constantius.
The flourishing of the British *Churches under* Constantine.
The reason only of three British *Bishops present at the Council of* Arles.
The great Antiquity of Episcopal Government here.
Of the Flamines *and* Archflamines *of* Geoffery *of* Monmouth; *how far agreeable to the* Roman *Constitution.*
Maximinus *set up a Pagan Hierarchy in imitation of the Christian.*
The Canons of the Council of Arles *not sent to the Pope to confirm, but to publish them.*

HAving shew'd the great probability of the planting a Christian Church here in the Apostles time, and that by St. *Paul*; I am now to consider, the *Succession* of this Church; of which we have undoubted Evidence from the unquestionable Testimonies

monies of *Tertullian* and *Origen*, who mention it as a thing so very well known, That they use it as an Argument against the *Jews*, to prove *Christ* to have been the promised *Messias*, *because the uttermost parts of the Earth were given for his Possession*. *Tertullian* flourished, as St. *Jerome* saith, under *Severus and his Son*; And in the time of *Severus* he wrote against the *Jews*, as (*a*) *Baronius* proves from several Passages in that Book. In his time the Affairs of *Britain* were very well understood in other parts of the *Roman* Empire, especially by Men so learned and inquisitive as *Tertullian*. For *Clodius Albinus* having set up for the Empire in *Britain*, and being beaten by *Severus* near *Lyons*, he took care to secure this Province by sending *Virius Lupus*, his Lieutenant, hither. But things growing troublesome here, *Severus* himself undertook an Expedition hither, and brought the *Britains* to such Terms, That they were contented to live beyond the Wall which *Severus* built; where *Hadrian*'s Wall had been before. The part of *Britain* beyond the Wall was called *Caledonia*, as (*b*) *Dio* saith. And it is apparent, that the *Romans* were at that time fully acquainted with the Condition of the *Britains*, both within the Province, and without; and therefore *Tertullian* cannot be supposed to speak at random about this matter; when (*c*) he mentions *the Nations of* Gaul *and the* Britains, with as much assurance as he doth his Countrymen, *the* Moors, *for receiving Christianity*; And saith, *The Kingdom of* Christ *was advanced among them, and that* Christ *was solemnly worshipped by them*. *Tertullian* was a man of too much understanding to expose himself to the contempt of the *Jews*, by mentioning this as a thing so well known at that time, if the *Britains* were then known to be no Christians; Or, if they had been such, and were returned to Barbarism, the Argument would have been stronger against him. When therefore such a Passage doth not fall by chance from such a Writer, but the force of an Argument depends upon it, it is of so much greater weight. How ridiculous would it appear for a man to prove that Popery is the Catholick Religion, by instancing not only in *Italy* and *Spain*, as the Nations where it is universally received; but in *Great Britain*, and *Denmark*, and *Sweden*? No less was the absurdity than to prove *Christ*'s *universal Kingdom* by enumerating *Gaul* and *Britain* with other Nations where *Christ* was worshipped, if there were no Christian Churches at that time in being among them.

But there are two Objections against this Passage of *Tertullian*, which must be removed. (1.) That he speaks of that part of *Britain* which was not under the *Roman* Power, and the Conversion of it is said to be later than to be here mention'd by *Tertullian*: For (*d*) *Joh. Fordon* and (*e*) *Joh. Maior*, from an ancient *Distich* in both of them

(Christi *transactis tribus annis atque ducentis*
Scotia *Catholicam cœpit inire Fidem.*)

(a) Baron. *A. D.* 210. *n.* 4.

(b) Dio *in* Sever.

(c) Tertull. *con.* Judæos, *c.* 7.

(d) Fordon. *l.* 3. *c.* 35.

(e) Major *de Gest. Scot. l.* 1. *c.* 14.

say, That the Christian Religion was received in *Scotland* in *A. D.* 203. about the seventh of *Severus*. But this was so little a time before *Tertullian*'s Writing, that it could hardly be so well known in *Africa*, as to afford strength to an Argument against the *Jews*.

To which I answer, That it is true, *Tertullian* doth add the greater *Emphasis* to his Argument by saying, *Et* Britannorum *inaccessa* Romanis *loca*, Christo *vero subdita*, the Gospel had access to those parts of *Britain* whether the *Romans* had none. Which doth prove, that Christianity

stianity was then received beyond the Wall, but not by the *Scots*, who were not yet settled in those parts; But by the *old Britains*, who were driven thither, as appears by the Account given by (*f*) *Xiphilin* out of *Dio*, who saith, *that the* Britains *were divided into two sorts, the* Mæatæ *and the* Caledonii; *The former dwelt by the Wall, and the latter beyond them.* These were the *Extraprovincial Britains*, and were distinct both from the *Picts* and the *Scots*, saith (*g*) *John Fordon*, who carefully distinguisheth these *three Nations* when he speaks of their Wars with the *Romans*; And he makes *Fulgentius* the Head of the *Britains* of *Albany* in the time of *Severus*; But he supposes both the *Scots* and *Picts* to have been in the Northern parts long before, and that the *Scots* received the Christian Faith in the time of *Severus*, *Victor* being then Bishop of *Rome*, who succeeded *Eleutherius*; *To whom*, saith (*h*) *Hector Boethius*, *King* Donald *sent Embassadors, to desire him to send Persons fit to instruct them in the Christian Faith. And upon this*, saith he, *it was generally received in* Scotland. * *Dempster*, according to his custom, is very warm in this matter, and saith, *all their Annals and Histories agree, that King* Donald *and the whole Kingdom of* Scotland *did then embrace Christianity*; And is angry with *Baronius* for putting off their Conversion to the time of *Palladius*. But notwithstanding all his boasting of *the consent of Annals and Histories*, the *Scotichronicon* is the only Authority he hath to produce: And in his *Preface* he saith, *That King* Edward I. *destroy'd all the Monuments of the Kingdom*; and it is somewhat unreasonable to complain of *the want*, and to alledge *the consent* of them at the same time. And besides, he produceth something out of *Fordon* concerning *Paschasius* of *Sicily*, being sent by *Victor* into *Scotland*, and returning with a Message from King *Donald*, which is not to be found in *Fordon*. But, as (*i*) *Baronius* observes, *It is strange, that so remarkable a Conversion should be omitted not only by* Bede, *but by* Marianus Scotus, *who mentions the Mission of* Palladius. And (*k*) *Prosper* saith, *Upon the Mission of* Palladius, *who was made the first Bishop over the* Scotish *Christians, the People, who were barbarous before, were made Christians.*

(*f*) Xiphil. *in* Severo.

(*g*) Fordon. *Scotichron. l.* 3. *c.* 36.

(*h*) Hector. Both. *l.* 5. *p.* 89.

* Dempster. *Apparat. ad Hist. Scot. l.* 1. *c.* 6.

Hist. Eccles. l. 15. *in* Palladio.

(*i*) Baron. *A.D.* 429. *n.* 2.

(*k*) Prosper. *cont. Collator. in fine.*

But it is urged by *Dempster*, not without shew of *Authority*, that *Palladius* was sent to those *which were already Christians*, and therefore Christianity must be planted among the *Scots* before the *Mission* of *Palladius*; and for this he quotes *Beda*, *Ado Viennensis*, *Hermannus Contractus*, *Marianus Scotus*, and others; and he blames *Platina* and *Ciacconius* who make him *the Instrument of their Conversion*, wherein he confesseth they follow *Fabius Ethelwerd* and *Ingulphus*; but he takes no notice, that *Prosper* himself, in his *Chronicon*, affirms the same thing, and the others have it from him. So that *Prosper* makes the *Scots* to be converted by *Palladius*, and to have been *Christians* before his time; which are inconsistent: But (*l*) *Nennius* seems to have hit upon the true account of this matter, *viz. That* Paladius *was sent by* Celestine *to convert the* Scots, *but finding no great success therein, he was driven on the Coasts of* Britain, *and there died: And after his death, St.* Patrick *was sent on the same Errand.* And, if the Writers of his Life may be believed, *Palladius* did very little towards the Conversion of the *Scots*; And therefore what *Prosper* saith of *Celestine's making a barbarous Nation Christian*, must be understood of his *Design* and good Intention, and not of the *Event*, which came not to pass till some time after; and chiefly, by the means of St. *Patrick*, who went after the

(*l*) Nenn. *c.* 55, 56.

death of *Palladius*: Unleſs we underſtand the Words of *Proſper*, of thoſe who were made Chriſtians *at the time of his Writing*; the Deſign whereof being laid by *Palladius* is therefore attributed to him, when he wrote againſt *Caſſian*, ſometime after the death of *Celeſtine*: But when he wrote his *Chronicon*, in the time of *Leo*, *The* Scots *being then converted*; he ſaith, *That* Palladius *was appointed to be Biſhop over the believing* Scots. Not that they did then believe before *Palladius* his coming, but *that they did now believe when he wrote his* Chronicon. For all the Teſtimonies of ſuch as Preached there before *Palladius* are of very little Credit. But nothing of all this relates to the *Scots* in *Britain*; but to the original *Scots* in *Ireland*, who were uncapable of a National Converſion in *Britain*, ſo long before they came to ſettle in it, as will appear afterwards: So that if there were any Converſion of *Scots* before the *Miſſion* of *Palladius*, it cannot at all reſpect this Place of *Tertullian*, who ſpeaks only of the *Britains*, and not of the *Scots*.

And *Dio* knew of none but *Britains* that lived Northward in that Expedition of *Severus*, although he ſaith, *he went to the utmoſt extent of the Iſland, and at laſt concluded a Peace with the* Britains *upon their quitting no ſmall part of their Countrey*, although they ſoon revolted; So that here was a great number of *Britains* to be converted in thoſe Places, where the *Romans* never had been before *Severus* his laſt Expedition: Which the *Scotiſh Hiſtorians* apply to the Converſion of their *Nation*, who were not yet come into *Britain*. But allowing that there were *Churches* planted among the Northern *Britains*, this doth not overthrow the continuance and propagation of the Chriſtian Church among the Provincial *Britains*; For now, for a long time, the Chriſtian Religion had a great Liberty of propagating it ſelf; For, from the time of *Hadrian* to *Severus*, the Chriſtians were generally free from Perſecution, excepting what the Rage of the People brought upon them in ſome Places, without any *Edict* of the *Emperors*, as in the time of the *Antonini* both at *Rome*, in *Gaul*, and ſome parts of the Eaſt: But theſe Perſecutions were neither general, nor continued ſo long as when the Emperors publiſhed Edicts on purpoſe; and therefore, the Perſecutions under *Trajan* and the *Antonini*, ought in reaſon to be diſtinguiſhed from thoſe under *Nero* and *Domitian*, *Decius* and *Diocleſian*, when the Emperors made it their buſineſs to root out Chriſtianity. But in the former Caſe, the Emperors reſtrain'd the People by their *Edicts*, but the People in ſome Places by falſe Suggeſtions fruſtrated the deſign of thoſe *Edicts*, which Places excepted, the Chriſtians enjoy'd a long time of Liberty; In which they neglected no opportunities to promote their Religion. And within this time the Chriſtian Writers ſay, *There was no Nation almoſt then known, where Chriſtianity was not planted.* So (*m*) *Juſtin Martyr* tells *Trypho*; ſo (*n*) *Euſebius* and (*o*) *Ruffinus* ſpeak; and (*p*) *Lactantius* ſaith, *That Chriſtianity ſpread it ſelf into the Eaſt and Weſt, ſo that there was ſcarce any Corner of the Earth ſo remote whither it had not pierced, no Nation ſo barbarous that was not reduced by it.* As to *Britain*, *Gildas* affirms the *continuance of a Church here*, from the firſt Plantation of the Goſpel, *though not maintain'd with equal Zeal, to the Perſecution of* Diocleſian; and even that was ſo far from deſtroying it, that it gained ſtrength and reputation by the *Courage of Confeſſors and Martyrs*; and the heat of it was no ſooner over, but, as (*q*) *Bede* and (*r*) *Gildas*

(*m*) Juſtin. *Dial. cum* Tryph. *p.* 345.
(*n*) Euſeb. *l.* 4. *c.* 67. *l.* 5. *c.* 21.
(*o*) Ruffin. *l.* 4. *c.* 8.
(*q*) Lactant. *de Mort. Perſec. c.* 3.
(*q*) Bed. *l.* 1. *c.* 8.
(*r*) Gild. §. 8.

both

both say, *The Christian Church flourished again in great Peace and Unity till the* Arian Heresie *gave it disturbance.*

(2.) It is objected, That (*s*) *Sulpicius Severus*, speaking of the Persecution of *Christians* in *Gaul* in the time of *M. Aurelius Antoninus*, saith, *That Martyrdoms, were then first seen in* Gaul, *the Christian Religion being more lately received beyond the Alpes.* Which seems to overthrow the *Antiquity* of the *Britannick* as well as the *Gallick Churches.* But in my opinion (after so many Discourses written in a neighbour Nation about this Passage) we are to distinguish that which *Sulpicius Severus* absolutely affirms, viz. *That there were no Martyrdoms in* Gaul *before that time*; From that which he supposes to have been the *reason* of it, viz. *That the Christian Religion was more lately received on this side the Alpes.* The other he was certain of, there being no authentick Relation of any *Martyrdoms* there before; but that which he assigns as the *reason* of it, hath no such certainty in it; For the Christian Churches might have been planted there before, and have escaped that Persecution which befell the Churches of *Lyons* and *Vienne* in the time of *M. Aurelius*: He might as well have argued, that Christianity was not here received till a little before the Persecution of *Diocletian*, because we read of *no Martyrdoms* before those of St. *Alban*, *Julius* and *Aaron*, at that time. But if there were no *Edict* for Persecution of Christians for above an hundred years together, *viz.* from the Persecution of *Domitian Anno Dom.* 92. to the *Edict* of *Severus*, *Anno Dom.* 234. then it was very possible that there might be Christian Churches in *Gaul*, and yet no *Martyrdoms* till the Persecution under *M. Aurelius* by a popular Tumult, which, as (*t*) *Eusebius* tells us, was the seventeenth year of his Reign. (*u*) *Baronius* thinks that M. Aurelius *sent private Edicts against the Christians.* But (*w*) *Tertullian* saith, *none of their good Emperors ever persecuted the Christians*, and instanceth in *Trajan*, *Hadrian*, *Pius*, *Verus* and *M. Aurelius.* (*x*) *Eusebius* saith, *That* Trajan *abated the fierceness of the Persecution, but left the Laws in force, upon information, That* Hadrian, *in his Rescript to* Minutius Fundanus, *Pro consul of* Asia, *forbad a general Persecution of any as Christians*; *That*, Antoninus Pius, *not only pursued the same method, but threatned severe punishment to all Informers*: the same he saith of *M. Aurelius.* In *Commodus* his time, he saith, *the Christian Churches flourished very much in all parts*; So that till *Severus* his *Edict* there was no Persecution, by virtue of any *Edict* of the Emperors; by the account which *Eusebius* gives. And (*y*) *Lactantius* hardly allows *any Persecution at all from* Domitian *to* Decius. Not but that the Christians suffered very much in some Places, through the Rage of the People, and the Violence of some Governours of Provinces; But there was no general Persecution countenanced by the Emperors *Edicts*, and therefore, where the People were quiet or intent upon other things, there might be *Christian Churches* where there were no such *Martyrdoms* as those of *Lyons* and *Vienne.*

It is certain that (*z*) *Irenæus* mentions *the consent of the* Celtick *Churches*, and those *of* Germany *and the* Iberi, *with the Eastern and* Libyan *Churches.* All the Question is, Whether this ought to be restrained to the Churches planted among the *Celtæ*, as they were *one Division* of the *Gauls* in *Cæsar*'s time, or whether he took the word in the larger sense, as comprehending *all the Gauls.* This latter seems much more probable, because *Irenæus*, in none of the others mention'd by him, takes any particular Division of the People, but the general Name, as

(*s*) Sulpic. Sev. *l.* 2. p. 381.

(*t*) Euseb. *l.* 5. *c.* 1.

(*u*) Baron. *A. D.* 164. *n.* 6.

(*w*) Tertull. *Apol. c.* 5.

(*x*) Euseb. *l.* 3. *c.* 33. *l.* 4. *c.* 9. *c.* 13. *l.* 5. *c.* 5. *c.* 21.

(*y*) Lact. *de Mort. Persec. c.* 3.

(*z*) Iren. *l.* 1. *c.* 3.

of the *Germans* and *Iberi*, and why not then the *Celtæ* in as large a sense? Since (*a*) *Strabo*, (*b*) *Plutarch*, (*c*) *Appian*, and others, call the *Gauls* in general by the name of *Celtæ*; and *Tertullian* manifestly rejects that sense of *Celtæ* for one Division of the *Gauls*, when he mentions *the several Nations of the* Gauls which had embraced Christianity. But I will not insist, as (*d*) *Petrus de Marca* doth, *That* Tertullian *by the* Galliarum diversæ Nationes *means the four Provinces of* Gaul *into which* Augustus *did distribute it:* But I say, that there is no reason to limit the sense of *Tertullian* to *one Division* of the *Gauls*, supposing the *different Nations* do comprehend those of *Gallia Cisalpina* and *Transalpina*; although I see no ground to understand *Tertullian* so, (*e*) since the name of *Gallia Cisalpina* was much disused; especially after the new distribution of the Empire by *Hadrian*. So that from the Testimonies of *Irenæus* and *Tertullian*, we see no reason to question the greater *Antiquity* of the *Celtick Churches* than *Sulpicius Severus* intimates, much less to overthrow the *Antiquity* of the *Britannick Churches*. For, besides this Testimony of *Tertullian* concerning the *British Churches*; We have another of (*f*) *Origen*, not long after, who saith, *When did* Britain *before the coming of* Christ *consent in the Worship of one God?* Which implies, that the *Britains* were then known to be *Christians*; and, by being so, were brought off from the former Idolatry. And unless so learned a Man as *Origen* had been fully satisfied of the truth of this, having choice enough of other Instances, he would not have run as far as *Britain* to bring an Argument to prove, *that all the Earth doth praise the Lord*; *Which*, he saith, *is fulfilled in the Christian Churches dispersed over the World*. But I wonder what should make two such learned Antiquaries as (*g*) Mr. *Camden* and (*h*) Bishop *Godwin*, so far to mistake the sense of *Origen*, to understand him as if he had said, *That* Britain, *by the help of the* Druids, *always consented in the belief of one God*, whereas it is very plain, That *Origen* speaks of it as a great Alteration that was made in the Religion of the *Britains* after the coming of *Christ*. And *Origen* doth not only speak of the *belief*, but of *the Worship of one God*, which it is certain from *Cæsar*, That the *Druids* did never instruct the People in. But the Christian Religion alter'd the whole Scheme of the *Druids* Worship, and instead of their *Taranis* and *Hesus*, and *Teutates*, and *Belenus*, and *Andate*, it taught them to believe and worship one true God, and *Jesus Christ*, whom he hath sent to be the Saviour of the World; *Whose Power*, (*i*) *Origen* saith elsewhere, *was seen in* Britain *as well as* Mauritania.

Thus far I have endeavoured to clear the *Apostolical Succession* of the *British Churches*, which those have rendred more doubtfull, who have derived our Christianity from King *Lucius* his Message to Pope *Eleutherius*, and the Persons he sent over to convert him and the whole Nation, as the Tradition goes, to the Christian Faith. But there is a considerable difference to be observed about this *Tradition*, not merely about *the time* of the Conversion of this King *Lucius* (of which (*k*) Archbishop *Usher* hath given so full an account, that to his diligence therein, nothing material can be added) but concerning *the means* and *manner* of his *Conversion*, and the *Persons* employ'd in it. For (*l*) *Petrus Equilinus* saith, *That he was baptized by* Timothy, *a Disciple of St.* Paul; and he had it from a much better Author, for (*m*) *Notkerus Balbulus* saith, *That King* Lucius *was baptized by* Timothy; not the *Timothy* to whom St. *Paul* wrote his *Epistle*; But the Brother of *Novatus*,

(*a*) Strab. *l.* 1. 4. 7.
(*b*) Plutarch. *in* Cæsare, *in* Crasso.
(*c*) Appian. 2. *Civil. Bell.*
(*d*) Pet. de Marc. *Epist. ad* H. Vales.
(*e*) Launoy *Ep. c.* 7.
(*f*) Origen. *in* Ezek. *hom.* 4.
(*g*) Camd. *Brit. p.* 47.
(*h*) Godwin. *de Præsul. p.* 23.
(*i*) Orig. *in* Luc. *c.* 1. *hom.* 6.
(*k*) Usser. *de Primord. c.* 3.
(*l*) Pet. *de Natal. l.* 1. *c.* 24.
(*m*) Notker. *Martyrol.* 8. *Cal. end.* Junii.

tus, whose Names are extant in the *old Martyrology* published by *Rosweyd*, 12 Cal. *Julii*; who were both, saith (*n*) Baronius, *Sons to* Pudens *a* Roman *Senator*; the same who is supposed to have been married to *Claudia Rufina* the *Britain*; and therefore his Son might not improbably be employ'd in this work of converting a *British* King. (*o*) *Nauclerus* takes notice, *That this Relation agrees best with the Tradition of the Church of* Curia, a noted City of *Rhætia*. And (*p*) *Pantaleon* calls Lucius *the Disciple of* Timothy; out of the *Annals* of that *Church*. From whence (*q*) *Marcus Velserus* shews, *that he did not die here in* Britain, *but went over into those parts of* Rhætia *to preach the Gospel, and there suffer'd Martyrdom:* or, at least, *ended his days*; For they are not agreed about the manner of his death. (*r*) *Ægidius Tschudus* saith the former, who adds, that there is a place near *Curia* called *Clivus S. Lucii* still; and (*s*) *Munster* saith, *near the Episcopal Palace, there is* Monasterium Sancti *Lucii*. And (*t*) *Ferrarius* in his new *Topography* to the *Martyrologium Romanum*, reckons King *Lucius* of *Britain* one of the *Martyrs* of *Curia*, which the *Germans* call *Chur*, and the *Italians* Choira. And the (*u*) *Roman Martyrology* saith, *That there his memory is still observed.* (*w*) *Notkerus Balbulus* saith, *That he converted all* Rhætia, *and part of* Bavaria. If so, they had great reason to preserve his Memory, and the *British Church*, on the account of King *Lucius* his converting their *Countrey*, hath as much right to challenge Superiority over *Bavaria* and *Rhætia*, as the Church of *Rome* hath over the *British Church* on the account of the Conversion of *Lucius* by *Eleutherius*. If this Tradition hold good, the other cannot; which differs as to time, Persons, and the remainder of his Life, which our Writers say, was spent here; And (*x*) *Geoffrey*, from the *British History* saith, *That he died at* Glouceſter, *and left no Heir to succeed him.* Wherein he is follow'd by (*y*) *John Fordon*, who saith, *That after the death or disappearance of King* Lucius *the Royal Stock failed, and then the* Romans *appointed Governors instead of Kings.* But, by that Expression, *Vel non comparente*, *Fordon* seems to doubt, whether he did not withdraw in his old Age, according to the *German Tradition*.

(*z*) *Nennius* saith, That *Anno Dom.* 164. Lucius, *King of* Britain, *with all the inferior Kings of* Britain, *were baptized upon an Embassy sent by the* Roman *Emperors and Pope* Evaristus. But the old *MS.* in the *Cotton Library* hath it, *Post* 167 *annos post adventum* Christi. One of the *Cambridge MSS. post* 164 *annos*. In the margin whereof it is said, *That* Nennius *is grievously mistaken, because* Evaristus *his time cannot agree to either of the computations, Evaristus* dying, according to the old Catalogue of the Bishops of *Rome* made about *Anno Dom.* 354. when *Trebonius Gallus* and *Metilius Bradua* were Consuls, which according to the *Fasti* both of *Onuphrius Panvinius* and Sir *H. Savil*, was *Anno Dom.* 109. But Archbishop *Usher* observes, *that in one Copy of* Nennius *he found the name of* Eleutherius, therefore I pass it over: And yet the time of *Eleutherius* will not agree with either of these *Computations*: For he was made Bishop of *Rome*, according to the same Catalogue in the Consulship of *Severus* and *Herennianus*, which according to those *Fasti*, is *Anno Dom.* 172. But it will be two hard to press the point of Chronology too far, when (*a*) *Bede*, according to the different Computations, sometimes puts *Anno Dom.* 156. and at another time *Anno Dom.* 167. But as long as it is generally agreed to have been in the time of *M. Aurelius* and *Lucius Verus*, and the beginning of *Eleutherius* his

Pope-

(*n*) Baron. *A. D.* 166. *n.* 2.

(*o*) Naucler. *Chron. Vol.* 2. *Gen.* 6.

(*p*) Pantal. *de Viris illustrib. Germ. p.* 1.

(*q*) M. Velser. *Rer. Vindel. l.* 6.

(*r*) Tsch. *Descript. Rhæt. c.* 18.

(*s*) Munster. *Cosmograph. l.* 3. *p.* 518.

(*t*) Ferrar. *Nova Topograph. p.* 44.

(*u*) *Rom. Martyr.* 3 *Non. Dec.*

(*w*) Notker. Balbul. 8. *Calend. Junii.*

(*x*) Galfr. Monu. *l.* 2. *c.* 2.

(*y*) Fordon. *Scotichron. l.* 3. *c.* 36.

(*z*) Nenn. *c.* 18.

(*a*) Bed. *Hist. l.* 1. *c.* 4. *Epit. Histor.*

Popedom, I shall urge this matter no farther; since it must come within a very little compass, if the *Characters* of time must suit with it, which, *Marianus Scotus* saith, was when *Pollio* and *Aper* were Consuls, the sixteenth of *M. Aurelius*, and *Anno Dom.* 176. according to the *Dionysian* account, although *Marianus* follow another himself. Which falls out to be the year before the Persecution of the Churches of *Lyons* and *Vienne*, which, as (*b*) *Eusebius* saith, was the seventeenth of *M. Aurelius*, when *Irenæus* was sent by them on a Message to *Eleutherius*. (*c*) *Baronius* places the Conversion of *Lucius* somewhat later, in the beginning of *Commodus*, *Anno Dom.* 183. But therein, as Archbishop *Usher* observes, he hath all the more ancient Historians against him; and it is only his own mistake in the *Chronology* of the first Bishops of *Rome*, which makes him say, the time of *Eleutherius*, will not agree to *M. Aurelius* and *Lucius Verus*, wherein he is too much followed by our (*d*) learned Antiquary.

(*b*) Euseb. *l.* 5. *c.* 1.
(*c*) Baron. *A.D.* 183. *n.* 3.
(*d*) Camd. *Brit. p.* 47.

Having then found no such inconsistency in the point of *time*, but that if there were such a King as *Lucius* in *Britain* then, he might well send to *Eleutherius* such a Message; I now proceed to consider, how far this Tradition of King *Lucius* can agree with the *State* of the *British Affairs* at that time. The *Britains* being impatient of the *Roman Yoke* in *Hadrian*'s time, he comes over and brings new Legions with him; And settles the whole *Province* in quietness, and built his Wall, to keep the other *Britains* in order. Notwithstanding this, in *Antoninus* his time, the War broke out more fiercely; and not only the (*e*) other *Britains* forced their Passage into the *Roman Province*, but, as (*f*) *Pausanias* saith, *The* Brigantes *rebelled, who, for that cause, had part of their Countrey taken from them.* But *Lollius Urbicus* being sent hither, he drove the *Britains* back, built another Wall farther Northwards, where *Agricola* formerly had placed his Garrisons, as appears by the (*g*) Inscriptions there taken up: So that *Lollius Urbicus* drove the *Britains* 100 Miles Northward; For so much is the distance between the Walls of *Hadrian* and *Antoninus*. For all this, the *Britains* brake out again with so much violence in the beginning of (*h*) *M. Aurelius Antoninus* his Reign, that *Calphurnius Agricola* was sent against them, and from that time we read of no disturbance here till the time of *Commodus*, when (*i*) *Ulpius Marcellus* was *Roman* Lieutenant. This being the true *State* of *Britain* at that time, what place is here left for such a King over *Britain* as *Lucius* is represented? He must either be over *the* Britains *beyond the Wall*, which overthrows one main part of the Tradition *as to his settling the Churches here after his Conversion*; or he must be the Head of the *Revolting Britains* who were repressed by *Calphurnius Agricola*; or, he must be *a subordinate King* to the *Romans*, such as *Cogidunus* and *Prasutagus* had been. But then how comes he to command all *Britain?* To have several Kings under him? To change the Affairs of Religion as he thought fit? Were these Privileges ever allowed to such Titulary Princes? It is very true, *That the* Romans *did often suffer Kings to govern Provinces under them*; But then they were Provinces wholly subdued, and compassed about with the *Roman* Forces on all sides: But no Instance can be given where they suffer'd an Hereditary King of the same Countrey to enjoy full power over his Subjects, whilst a great part of the Countrey was in Arms against them, and ready to break out into a War, wherein the *Romans* were in continual fear, that the Natives within the Province

(*e*) Capitol. *in* Antonin.
(*f*) Pausan. *in Arcad.*
(*g*) Camd. *Brit. p.* 650. 699.
(*h*) Jul. Capitol. *in* M. Aurel.
(*i*) Dio *in* Commodo.

vince should join with those without for their destruction. For them in such a case as this, to trust such a King as *Lucius* with the Government of the Province, is to suppose them, to have utterly lost those *Arts* whereby they attained so vast an Empire. The Case of *Antiochus* in *Asia*, *Herod* and his Children in *Judæa*, *Dejotarus* in *Galatia*, *Ariobarzanes* in *Cappadocia*, and of many others that might be named, will not at all make it probable, where the Circumstances were so different, and especially in such an Island as *Britain* was then accounted, being incompassed with a Sea, which the *Romans* thought dreadful and almost unpassable,

(k) *Semota & vasto disjuncta* Britannia *Ponto*
Cinctáque inaccessis horrida Littoribus,

(k) *Catalect. à* Jos. Scalig. *ed.*

whither Supplies could not come without difficulty; and where the Inhabitants despised Death and Danger, as they found by so tedious a War, which was kept up so long here: And after all, they were forced to keep out their Enemies by *Walls* from *Sea* to *Sea*, in several places: So that the *Romans* never had the whole Island in subjection. And therefore it is very improbable, that they should trust the Power over it in the hands of a Native of the same Countrey; Which Consideration makes me very hard to believe the Monkish Traditions concerning King *Lucius*.

But I do not deny, that there was such a Person in this Island, or that he had Royal Authority in some part of it, or that he was converted to Christianity at that time, or that the Christian Church here flourished by his means. That there was such a Person, who was a *King* and a *Christian*, is proved, besides the concurrence of so many Authors from *Bede*'s time, from the two Coins mentioned by (l) Archbishop *Usher*, one Silver and the other Gold, having an Image of a King on them, with a Cross, and the Letters of *LUC*, as far as they could be discerned. But if it be farther asked in what part of *Britain* this King *Lucius* lived, I shall only propose my Conjecture, and leave it to the Judgment of others. It is well known that the *Romans* were so well satisfied with the fidelity of *Cogidunus*, that they bestow'd *some Cities upon him*. And *Tacitus* saith, *he continued firm to the* Roman *Interest to his time*. And where Kings were faithful to them, the *Romans* were kind to their Posterity, and kept them up in the same dignity as long as they behaved themselves as they expected from them. Of this we have a clear Instance in *Herod*'s Posterity; For *Archelaus*, *Herodes Antipas* and *Philip*, his Sons, succeeded into their shares of his Kingdom. Then *Herod Agrippa*, his Grandchild by *Aristobulus*, was made King by *Caius Caligula*, whose Government was inlarged by *Claudius*, and his Brother *Herod* had the Kingdom of *Chalcis* given him: Sometime after his Father's death, *Claudius* bestow'd first the Kingdom of *Chalcis* upon his Son *Agrippa*, then the *Tetrarchy* of *Philip*, which was inlarged afterwards by *Nero*, and he continued till the War, and was the last King over the *Jews*. Now from hence we observe, That the *Romans* thought it no ill policy in some Cases to continue the same Royal dignity to the Children of those who deserved so well of them as *Cogidunus* had done. And it seems most probable to me, that where *Ptolemy* places the *Regni*, were the *Cities* which *Cogidunus* had the rule over; not from the Name, but from the Circumstances of those places, which have fewer *Roman Monuments* or *Towns* than any other in *Britain*,

(l) Usser. *de Prim.* p. 39, 40.

tain, and therefore were the moſt likely ſtill under their own Prince, who kept up the *Britiſh cuſtoms*. Where ever the *Romans* inhabited, they may be traced by their Ways, by their Buildings, by their Coins, by their Urns, by their Inſcriptions: But ſcarce any thing of this nature could be found in *Surry* or *Suſſex* by the moſt diligent Enquirers. (*m*) *Leland* indeed diſcover'd *ſome Roman Coins near* Kingſton *upon* Thames, where others have been taken up ſince: (but *Camden* could hear of no *Roman* Antiquities thereabouts.) And (*n*) ſome ſuppoſe the place where thoſe Coins were taken up, to have been a *Station* of the *Roman* Souldiers under *Aſclepiodotus*, when he marched that way from *Portſmouth* to *London*, in the Expedition againſt *Allectus*. If ſo, it was too late for the days of King *Lucius*. All that (*o*) *Camden* pretends to, is only *a Military way near* Ockley, which was neceſſary for the conveniency of the *Roman* Souldiers paſſing to the remoter parts of the Province, *and ſome Coins about Gatton*; but as to his *Noviomagus* which he will have to be *Woodcote* in *Surry*, (*p*) Mr. *Somner* hath well proved from the courſe of the *Roman Itinerary*, that it muſt lie in *Kent*, in the Road to *Portus Rutupis*: and *Woodcote* is as far from it as *London*. In all *Suſſex* there is no remainder of any *Roman* Building, or Way, or Colony, or Coins yet diſcovered to the World, except towards the *Sea ſide*, which the *Romans* kept to themſelves. In *Antoninus Pius* his time (*q*) *Seius Saturnius* was *Archigubernus in Claſſe* Britannica; Which ſhews, that the *Romans* had then a Fleet here, and that he was *Admiral* of it. And in after-times, the *Comes litoris* Saxonici *per* Britanniam, had ſeveral *Garriſons* on the Sea ſide for Security of the Coaſts, as appears by the (*r*) *Notitia Imperii* where the places are ſet down, among which two were on the coaſts of *Suſſex*, *Anderida* and *Portus Adurni*; By the former our learned Antiquaries (*s*) *Camden* and (*t*) *Selden* underſtand *Newenden* in *Kent*, but that ſtands too much within Land. Mr. *Somner* in a *MS. diſcourſe of the* Roman *Ports and Forts in* Kent, rather thinks it to be *Pemſey* in *Suſſex*, or *Haſtings*, as more agreeing with (*u*) *Gildas*, who ſaith, *that the* Romans *placed their Forts for Security of the very Coaſts* in litore Oceani ad Meridionalem Plagam, *upon the very Coaſts*; And ſo the reſt of them ſtood, as *Reculver*, *Richborough*, *Dover*, *Lim*, which were all in *Kent*; and the *Portus Adurni* was *Aldrington* near *Shoreham* in *Suſſex*. From hence it appears, that the *Romans*, being ſecure of the Coaſts, and having their Souldiers diſperſed in the Colonies about, and being ſo near the *Metropolis* at *London*, where the chief Governours of this part of *Britain* reſided; They might better permit a *Britiſh* King to govern theſe parts of the Country. And this is the moſt probable account I can think of, as to this King *Lucius* within the *Roman* Province.

(*w*) Sir *Henry Spelman* would bring him to his *Iceni*, but without any colour of Probability; *Lucius*, ſaith he, *was the Son of* Coilus, Coilus *of* Marius, Marius *of* Arviragus. And what then? *Some*, he ſaith, *would have him to be* Praſutagus, *who was King over the* Iceni. But doth not (*x*) *Tacitus* ſay, *that* Praſutagus *died before the Revolt of the* Britains *under* Boadicea? *And that he left* Nero *his heir, and his two Daughters, hoping thereby to ſecuring his Kingdom?* If he were *Arviragus*, he was dead before the Revolt of the *Iceni*. And if *Marius* were his Son, how comes he never to be mention'd in the Story afterwards; no, not in that moſt remarkable Battel between his Mother and *Suetonius Paulinus*? *But* Hector Boethius *calls* Arviragus *one of the* Iceni, as though his

(*m*) Leland. *Itiner. p.* 398.
(*n*) Burton. *on* Antonin. *Itiner. p.* 77.
(*o*) Camd. *Brit. p.* 213.
p. 216.
(*p*) Somner. *Antiq.* Canterb. *p.* 24.
(*q*) *D. tit. ad S. C.* Trebell. *l.* 46.
(*r*) *Notit. Imper. Occid. c.* 72.
(*s*) Camd. *Brit. p.* 247.
(*t*) Selden *Mare clauſ. l.* 2. *c.* 6.
(*u*) Gild. *Epiſt.* §. 14.
(*w*) Spelman. *Concil. To.* 1. *p.* 36.
(*x*) Tacit. *Annal.* 14. *c.* 31.

his authority were to be mention'd against *Tacitus*, who was the *Geoffery* of *Scotland*, so many and so improbable are his Fictions. (*y*) *Baronius*, after trying several ways to reconcile the Tradition of King *Lucius* with the *Roman* Story, concludes with that as the most probable, (*z*) *That he was a King under the* Roman *Power in* Britain, *such as* Prasutagus *was.* But he was only King over the *Iceni*, and not over *all Britain*, and although among the *Britains* there were many Kings over particular *Cities* (as they then called the People under one Government) yet there was no one King over the whole Island. But in Cases of great difficulty they pitched upon one as Supreme, as on *Cassibelan*, upon the Invasion of *Cæsar:* So that the old *British* Government was neither *Popular* as some pretend, nor under *one Monarchy*; but the People were govern'd by several petty *Monarchs*, as appears by the unquestionable Testimonies of (*a*) *Diodorus Siculus*, (*b*) *Strabo*, and (*c*) *Pomponius Mela*; *Fert populos & Reges populorum*, saith *Mela*; *Olim Regibus parebant*, saith (*d*) *Tacitus*; which prove both the *Antiquity* and *Number* of *British Monarchs.* And what (*e*) *Dio* saith of a *Democratical Government among the* Britains is only spoken of the *Mæatæ* and *Caledonii*, in their great Confusion, when all the Reins of Government were cast off, and the People did what they list, as *Tacitus* describes them in his time, saying, *That they were drawn off from their former obedience to their Kings, by the Heads of several Factions among them.* So that although in the most ancient times here was *Monarchical Government*, yet it was not extended over all *Britain*, as the Monkish Tradition pretends concerning King *Lucius*, and I know not how many Predecessors of his, even from the coming of *Brutus* to his days. But neither our Religion, nor our Government need such Fictions to support them.

(*y*) Baron. *A. D.* 183. *n.* 6.

(*z*) Baron. *in Martyr. Rom. Maii* 26.

(*a*) Diod. Sic. *l.* 4. (*b*) Strabo, *l.* 4. (*c*) Mela, *l.* 3. *c.* 6. (*d*) Tacit. *vit.* Agric. (*e*) Dio *in* Severo.

Supposing then that King *Lucius* succeeded *Cogidunus*, though not immediately, in the Government of that part of *Britain* committed to his care; I see no inconvenience in allowing, that King *Lucius* hearing of the Christian Doctrine, either by the *old* British *Christians*, such as *Eluanus* and *Medwinus* are supposed to have been; or by some of *M. Aurelius* his Souldiers coming hither, after the great deliverance of the *Roman Army by the Prayers of the Christians* (which had then lately happen'd and occasion'd great discourse every where, *the Emperor himself*, as (*f*) *Tertullian* saith, *giving the account of it in his own Letters*) might upon this be very desirous to inform himself throughly about this Religion, and there being then frequent Intercourse between *Rome* and *Britain*, and by reason of the *Colonies* that were settled, and the Governours and Souldiers passing to and fro, he might send *Eluanus* and *Medwinus* to *Eleutherius* to be fully instructed in this Religion; And either the same persons alone, or two others with them (called *Faganus* and *Duvianus* commonly) coming into *Britain*, might have so great success as to baptize King *Lucius*, and many others, and thereby inlarge the Christian Church here.

(*f*) Tertul. *Apolog. c.* 5. Euseb. *l.* 5. *c.* 5. Oros. *l.* 7. *c.* 15.

The (*g*) old Book of *Landaff* gives a much more modest account of this whole matter than either *Geoffrey* of *Monmouth*, or any of his followers. "There we find only that King *Lucius* sent *Eluanus* and *Medwinus* to *Eleutherius* the twelfth Bishop of *Rome*, to desire that he "might be made a Christian through his Instruction; Upon which he "gave God thanks, that such a Heathen Nation did so much desire "Christianity; And then, by the Advice of the *Presbyters* of the

(*g*) *Monastic. Angl. vol.* 3. *p.* 188.

" City of *Rome*, they first baptized these *Embassadors*; and, being well " instructed, they ordained them, making *Eluanus* a Bishop and *Med-* " *winus* a Teacher; And so they returned to King *Lucius*, who with " the chief of the *Britains* were baptized; And then, according to the " Instructions of *Eleutherius*, he settled the Ecclesiastical Order, cau- " sed Bishops to be ordained, and the Christian Religion to be taught. There is nothing in all this account but what seems to have great probability in it. The same account is in *Capgrave*, out of *John* of *Tinmouth*, in the Life of *Dubricius*, and this seems to have been the *original Tradition* of the *British* Church: Which *Geoffery* of *Monmouth* hath corrupted with his *Flamines* and *Archflamines*; and others afterwards made an *Epistle* for *Eleutherius* to King *Lucius*, but could not avoid such Marks in the way of Writing as evidently discover the Imposture; and when the Monks hands were once in, they knew not how to give over. For some of them carry *Faganus* and *Diruvianus* (as some call him) to *Glassenbury*; others make them Consecrate the Church at *Winchester*, to which they say King *Lucius* had a particular kindness, and gave all the Lands and Privileges which the *Flamines* had, to the Bishop and Monks. (A Gift that would never make them the richer or the safer.) Others make King *Lucius* to found St. *Peter*'s Church at *Westminster*, the Church in *Dover* Castle, St. *Martin*'s by *Canterbury*, St. *Peter*'s in *Cornhill*, where the *Metropolitan Church*, they say, was placed by him, and *Theanus* made the first Bishop, who was succeeded by *Eluanus*, who went on the Embassy to *Eleutherius*; and, besides these, they make him to found and endow so many *Churches*, with such unlikely Circumstances, as hath made others question, whether there was ever such a Person in the World as King *Lucius*: That being the common effect of saying much more than is true, to make what is really true more doubtfull and suspicious.

But there is one Difficulty yet to be cleared; For all this Story, in its best Circumstances, seems to imply, that there was no Christian Church here before. For, if there had been, what need he to have sent as far as *Rome* to be instructed? unless the Bishop of *Rome* were then known to be the *Head* of the *Church*, which were a sufficient Reason for it. To this I answer, That if the Contest lay between these two things, Whether it be more credible, That Christianity was planted here before King *Lucius*; Or, that King *Lucius* was baptized by order from *Eleutherius*; I should very much prefer the former, because the Authority of *Gildas*, as to the *British* Christianity, is to be relyed on before the later Writers; and *Gildas* asserts the one; and although he had as much reason as *Bede*, or any after him, he never takes the least notice of King *Lucius* and *Eleutherius*. And, if a Negative Argument will hold any where, it is where a person hath as much reason to know as any that follow him; and as great occasion to discover what he knows; both which will hold in case of *Gildas* compared with *Bede* or later Writers. It were worth while for us to know whence *Bede* had his first Information of this matter; for he professes to follow other Writers about the *British Affairs*, and in many places he follows *Gildas* exactly, but in this he passes by what *Gildas* saith about the *Primitive Christianity* of *Britain*, and instead thereof puts in this Story of King *Lucius*. (*h*) *Bale* saith, that " *Eluanus Avaloni-* " *us* was a Disciple to those who were the Disciples of the Apostles, " and that he preached the Gospel in *Britain* with good Success; But

(*h*) Bal. *de Script. Cent.* 1. *n* 27.

King

" King *Lucius*, being perſuaded by his *Druids*, who would not come " to any reſolution; but to ſatisfie himſelf, leſt he ſhould be deceived " by his Countrymen, he ſent *Eluanus* and *Medwinus* to *Eleutherius*. " And *Eluanus* upon his return wrote a Book *De Origine Eccleſiæ* Bri- " tannorum, *Of the firſt beginning of the* Britiſh *Church*. And *Pits* is ſure to follow him where he hath no reaſon: But *Leland* never mentions this Book, nor the *Writings of Medwinus Belgius*, and of King *Lucius* himſelf, all relating to this matter: But (*i*) *Leland* only takes notice, " that *Eluanus* and *Medwinus* were employ'd upon an Embaſſy " to *Eleutherius*, that by his means he might become a Chriſtian, " which, ſaith he, is very unreaſonable to ſuppoſe, unleſs he were " firſt informed what Chriſtianity was, which he thinks was preached " to King *Lucius* by them, being two of the old *Britiſh* Chriſtians. And there he relates " how by chance he met with an old MS. of the " *Britiſh* Affairs joyn'd with *Geoffrey* of *Monmouth*, wherein this Story " is told exactly as it is in the Book of *Landaff:* and no mention is " made of any other Perſons ſent back but thoſe that went. And, as far as I can judge, *Bede* follow'd this old *Britiſh* Tradition, only leaving out the Names of the Perſons ſent, and the Eſtabliſhment of the *Britiſh Churches* after the Baptiſm of King *Lucius*. For *Bede* ſaith as little as he well could that tended to the honour of the *Britiſh Churches*. So that according to this, which ſeems the trueſt account of this Embaſſy, *Eluanus* and *Medwinus* were *Britiſh Chriſtians* themſelves, and therefore ſent to *Eleutherius*, having been probably the Perſons employ'd to convince King *Lucius*; but he knowing the great Fame of *Rome*, and it being told him, not only that there were Chriſtians there, but a Biſhop in that City, the twelfth from the *Apoſtles*, had a deſire to underſtand how far the *Britiſh Chriſtians* and thoſe of *Rome* agreed; and he might reaſonably then preſume, That the Chriſtian Doctrine was there truly taught, at ſo little diſtance from the *Apoſtles*, and in a Place whither, as (*k*) *Irenæus* argues in this caſe, *A reſort was made from all places, becauſe of its being the Imperial City*. Theſe were reaſonable Conſiderations, which might move King *Lucius* to ſend this Embaſſy to *Rome*, and not any Opinion of St. *Peter*'s having appointed *the head of the Church* there, of which there was no Imagination then, nor a long time after in the *Britiſh Churches*, as appears by the Conteſt of the *Britiſh* Biſhops with *Auguſtine* the Monk; of which in its due place.

(i) Leland. *de Script. in* Eluano.

(k) Iren. l. 3. c. 3.

If any credit were to be given to King (*l*) *Arthur*'s *Diploma* to the *Univerſity* of *Cambridge*, this matter would be fully clear'd; For there it is expreſly ſaid, " That King *Lucius* was converted by the preach- " ing of the Doctors of *Cambridge*, for which reaſon he gave large " Privileges to that Univerſity, which were confirmed by King *Arthur*. And in the *MS. Annals* of *Burton* it is ſaid, " That *Anno Dom.* 141. *nine of the Doctors and Scholars of* Cambridge *were baptized*. I am not ignorant what Objections have been made by learned Antiquaries againſt both theſe Paſſages, and how hard it is to reconcile them to the Language and Hiſtory of that time; Nor that this Paſſage in the *Annals* of *Burton* was put into the *MS. Copy by another hand*, as the learned (*m*) Primate obſerved, by comparing the Copy of them in the Library of *C. C. C.* But on the other ſide it is juſtly pleaded, that in the Bull of *Honorius* I. bearing date *Anno Dom.* 624. 20th *Febr.* there is mention made of the *Privileges granted to the Univerſity of* Cambridge

(l) Caj. *de Antiq.* Cantabr. *Acad. l.* 1. *p.* 69.

(m) Uſſer. *de Prim. p.* 51.

by Pope Eleutherius; and that withal he takes notice of *Doctors and Scholars there.* And that this Bull of *Honorius* is allowed to be *authentick* in the *Bull* of *Eugenius* IV. upon the Controverſie about Juriſdiction, between the *Biſhop* of *Ely* and the *Univerſity* of *Cambridge*, bearing date *Anno Dom.* 1433. 14 Cal. *Oct.* Which is a ſufficient Proof to all that rely on the Pope's *Authority*, that in the time of King *Lucius* and *Eleutherius* there might be a ſufficient number of learned Men in *Cambridge* to have inſtructed King *Lucius* in the Chriſtian Faith; And that it is not improbable, that *Eluanus* and *Medwinus* might be of that number, eſpecially conſidering that *Camboritum*, or, as many Copies have it, *Camboricum*, was a *Roman Colony*, and mention'd in the beſt Copies among the 28 *Cities of* Britain, and the *Roman* Colonies had their *Schools* of *Learning*, wherein the ſeveral Profeſſors of *Arts* and *Sciences* did inſtruct both the *Roman* and *Britiſh Youth.* Of which I may have occaſion to diſcourſe afterwards.

After this time, we meet with little concerning the *Britiſh Churches*, till the Perſecution of *Diocleſian*, in which they had a conſiderable ſhare, for the time it laſted here: For although the Names of no more are preſerved than only of St. *Alban*, *Aaron* and *Julius*; yet both (*n*) *Gildas* and (*o*) *Bede* ſay, that many more ſuffer'd Martyrdom then in *Britain*, as (*p*) *Baronius* acknowledgeth. And although *Diocleſian* being a Prince of infinite Ambition, as appear'd by his commanding himſelf to be worſhipped as God, and therefore had ſo great an Antipathy to Chriſtianity, that his whole Reign might be called, as (*q*) *M. Velſerus* ſaith, *one perpetual Perſecution*, yet he had ſo much Art, as to throw off the *odium* of it upon others; To which purpoſe he firſt made choice of *Maximianus*, a Brutiſh and Fierce Man, who ſtuck at nothing for the Shame or the Cruelty of it, as he is ſet forth by *Eutropius* and *Victor*; and therefore was a fit Inſtrument, as occaſion ſerved, to execute *Diocleſian*'s Malice againſt the Chriſtians; which he did not fail to perform, as appear'd by the *Thebean Legion* which ſuffer'd in the firſt Expedition againſt the *Bagaudæ*, for refuſing to take an Oath, to extirpate the Chriſtians as well as the Rebels, as (*r*) *Sigonius* and (*s*) *Velſerus* relate the Story. But the great Perſecution under *Diocleſian*, of which *Gildas* and *Bede* ſpeak, did not certainly begin till *Anno Dom.* 303. *Diocleſian* and *Maximianus* being one the eighth the other the ſeventh time Conſuls, as (*t*) *Lactantius* hath evidently made to appear: But in the next year, upon the Reſignation of theſe two, *Galerius Maximianus* and *Conſtantius Chlorus* were declared Emperors; and it is generally ſaid by the Eccleſiaſtical Writers, *that* Conſtantius *ſtopt the Perſecution in the Provinces under his Government.* So that either the Perſecution in *Britain* muſt be before the other, or it could continue but a little time. To ſolve this, (*u*) *Alford* ſaith, *there is no other way, but to make this Perſecution to have been in the third of* Diocleſian *and the firſt of* Maximianus. At which time, (*w*) *Baronius* ſaith, *a very ſharp Perſecution was begun againſt the Chriſtians at* Rome. Which was about the time when *Maximianus* began his Expedition into *Gaul* againſt the *Bagaudæ*, and in his Paſſage over the *Alps*, the *Thebean Legion* ſuffer'd. The Circumſtances of which Story are ſo agreeable in all reſpects, that I ſee no reaſon to call in queſtion the truth of it, it being not only preſerved by *Eucherius*, but by *Venantius Fortunatus*, *Helinandus*, *Beda*, *Uſuardus* and *Ado.* But *Maximianus* made then no long ſtay in *Gaul*, and for ſeveral years after, both

Di-

(*n*) Gild. §. 8.
(*o*) Bed. *l.* 1. *c.* 6, 7.
(*p*) Baron. *A. D.* 303. *n.* 144.
(*q*) Velſer. *Com. in S. Afram.*
(*r*) Sigon. *de Occid. Imper. l.* 1.
(*s*) Velſer. *Comment. in Converſ. Afræ.*
(*t*) Lactant. *de Morte Perſec. c.* 12.
(*u*) Alford. *Annal. Eccl. A. D.* 286. *n.* 5, *&c.*
(*w*) Baron. *A.D.* 286. *n.* 30, 31.

Diocleſian and he were ſo taken up in Warlike Expeditions, that they had no leiſure for a ſharp and long Perſecution. And I can however ſee no ground for any Perſecution in *Britain* about that time by *Diocleſian* or *Maximian*. For when he came againſt the *Bagaudæ*, *Carauſius* was employ'd to ſecure the Seas againſt the *Franks* and the *Saxons*; But, underſtanding *Maximian*'s deſign to take him off, he watched his opportunity, and with a good Fleet and conſiderable Army comes for *Britain*, and takes poſſeſſion of the Government here, and *Maximian* had no Fleet left to purſue him hither. This Revolt of *Carauſius* happen'd within few years after *Diocleſian* and *Maximian* were joint Emperors, *viz. Anno Dom.* 286.

But *Alford* ſaith, *the old Writer of St.* Alban's *Life pitches upon* Anno Dom. 286. *for this Perſecution. And a MS. Copy of* Bede *which he had met with agrees with that time.* But he urges farther, *that after the Rebellion of* Carauſius, *when* Conſtantius *was made* Cæſar, *the Provinces beyond the* Alps were *committed to him, and that was*, Anno Dom. 292. *And if there were no Perſecution under* Conſtantius, *this muſt be before he was* Cæſar. But for any thing *Alford* ſaith, the Perſecution might have been under *Carauſius*, or *Allectus*, before *Conſtantius* came to the Poſſeſſion of *Britain*. For *Carauſius*, as appears by (*x*) *Aur. Victor* and (*y*) *Eutropius*, was let alone with the Government of *Britain*; which, ſaith (*z*) *Oroſius*, he enjoy'd ſeven years, and after him *Allectus*, three years more; So that for ſeveral years after *Conſtantius* his being *Cæſar*, he had no influence on the Affairs of *Britain*: At the end of thoſe ten years, *Allectus* being killed, and his Army routed by *Aſclepiodotus*, *Conſtantius* came over as appears by (*a*) *Eumenius*, in the very nick of time to preſerve *the City of London* from being pillaged by the *Franks*, and then he was received with wonderful joy by the Inhabitants, being delivered from the Tyranny they underwent in the times of *Carauſius* and *Allectus*; And after his Death Medals were coin'd in *London* to teſtifie the Cities gratitude to him; whereon was the Effigies of *Conſtantius* of one ſide, and on the other, *a Temple between two Eagles*, with this Inſcription, *Memoria felix*; and under the Temple *P. L. N. Pecunia Londin. Notata*, as ſome explain it. For by the Eagles and Inſcription it appears that theſe Coins were intended for the *Apotheoſis* of *Conſtantius*; And ſo *Joſeph Scaliger* and *Camden* underſtand them. (*b*) *Zoſimus* ſaith, *That* Conſtantius, *while he lived, had his chief reſidence in* Britain; And if a Perſecution happen'd here, he muſt be Acceſſory to it, which is contrary to what is conſtantly affirmed of *Conſtantius*. For (*c*) *Euſebius* ſaith, *he never join'd with the other Emperors in deſtroying Churches.* (*d*) *Sozomen* and (*e*) *Caſſiodore* ſay, *That he gave full liberty to the Chriſtians, and that their Churches flouriſhed under him*; And (*f*) *Optatus* ſaith, *That the* Donatiſts *made their Application to* Conſtantine, *to appoint Judges out of* Gaul, *and give this Reaſon, Becauſe there was no Perſecution under his Father's Government.* And accordingly the Council of *Arles* conſiſted of Biſhops chiefly out of *Gaul* and *Britain*.

That which upon the whole matter appears moſt probable to me, is, That the Perſecution was begun while *Diocleſian* and *Maximianus* had the Empire in their hands; and although *Conſtantius* and *Galerius* had the Titles of *Cæſars*; yet the ſupreme Government was in the others hands, as appears by what *Oroſius* ſaith of *Diocleſian*'s uſage of *Galerius*, upon his return from the *Perſian* War; And by the Inſcriptions

(*x*) Aur. Victor *in* Diocleſian.
(*y*) Eutrop. *l.* 9.
(*z*) Oroſ. *l.* 7. *c.* 25.
(*a*) Eumen. *Paneg. n.* 17, 19.
(*b*) Zoſim. *l.* 2.
(*c*) Euſeb. *l.* 8. *c.* 13. *Vit.* Conſtant. *l.* 1. *c.* 13.
(*d*) Sozom. *l.* 1. *c.* 6.
(*e*) *Hiſt. Tripart. l.* 1. *c.* 7.
(*f*) Optat. *l.* 1.

tions in *Spain* (if they be authentick) produced by (*g*) *Baronius*, (*h*) *Velſerus* and (*i*) *Gruterus*. In one of which *Diocleſianus* and *Maximianus* are only mention'd; And this muſt be after the Perſecution, for there it is ſaid, *Nomine CHRISTIANORUM DELETO.* And in the other, *SUPERSTITIONE CHRISTI UBIQ; DELETA.* And there *Diocleſian* is only named *Auguſtus*, and *Galerius* as adopted by him. *Baronius* thinks *ſuch Inſcriptions were ſet up every where, but time hath only preſerved thoſe in* Spain. But if they were ſet up in *Spain*, under the Government of *Conſtantius*, it is an Argument, that while *Diocleſian* and *Maximianus* held the Empire, they did what they pleaſed in theſe matters: For although the name of *Cæſar* carried in it ſomething of ſupreme Authority, yet (*k*) *Aurelius Victor*, when he takes notice of the firſt beginning of the difference of the Titles of *Auguſtus* and *Cæſar*, He ſaith, *Though they were both Titles of Sovereignty, yet they who enjoy'd them did not differ leſs in their Power than they did in their Titles.* And therefore (*l*) *Lactantius* ſaith, *when* Diocleſian *called* Galerius *by the name of* Cæſar *after his* Perſian *Victory, he cryed out*, Quouſque *Cæſar? How long ſhould he continue* Cæſar? And the Impatience of this made him force *Diocleſian* to reſign the Empire, as *Lactantius*, who was upon the Place, aſſures us; Nay, when *Diocleſian* offer'd him, *That all four ſhould be declar'd* Auguſti, he refuſed for this reaſon, Becauſe he knew, while *Diocleſian* continued in Power, he ſhould have only the Name. And *Lactantius* farther ſaith, *That the Edict againſt the Chriſtians was ſent to* Conſtantius *without asking his conſent*; and he confeſſes, Conſtantius *complied ſo far as to pull down their Churches.* But his kindneſs, when declared *Auguſtus*, made them willing to forget the reſt. So that the Perſecution was general till their Reſignation; But upon *Conſtantius* being declared *Auguſtus*, it ceaſed in all theſe parts; in which, (*m*) *Euſebius* affirms, *it did not laſt two years, although it continued ten years in the Eaſt.* And within that time the Perſecution took away St. *Alban*, *Aaron* and *Julius*, and other *Martyrs* here, as *Gildas* and *Bede* relate, who give a more particular account of the Sufferings of the firſt, not without ſome mixture of Improbabilities or Interpolations; but, as to the reſt, we have nothing but their Names preſerved and the Places they belong to. The firſt is ſaid to have been a *Roman Officer* of the *Municipium* of *Verulam*, the firſt *Britiſh* Town which had *Roman* Privileges; and the other, Citizens of *Caerleon*, where there was a *Roman Colony*.

Conſtantius dying at *York*, his eldeſt Son, *Conſtantine*, was declared *Cæſar* by the Army in *Britain*. For although *Conſtantius* did what in him lay *to ſecure the Succeſſion to him*, as (*n*) *Euſebius* ſaith, yet that did not ſignifie much without the Concurrence of the Legions. And (*o*) *Lactantius* ſaith, *That he commended him to the Souldiers, and ſo delivered the Empire to him.* This Conſent of the Army is expreſs'd by (*p*) *Eumenius*, and by the Emperor (*q*) *Julian*; and *Aurelius Victor* ſaith, *All that were preſent promoted his being Emperor*; But he was not declared *Cæſar* by *Galerius Maximianus* till afterwards, as *Baluzius* hath clearly proved out of *Lactantius* and others, who, when he ſaw he could not help it, ſent him to the *Purple Robe*, Thus *Conſtantine*, being firmly ſettled in the Throne, took care in the firſt place of the Tranquility of theſe parts, where he was proclaimed Emperor, and, as *Lactantius* ſaith, *The firſt thing he did was, to ſecure full Liberty to the Chriſtians.* And now, we may well ſuppoſe, all that *Gildas* and *Bede* ſay, to

(*g*) Baron. *A.D.* 304. *n.* 8.
(*h*) Velſer. *Not. ad Converſion. Afr.*
(*i*) Gruter. *Inſcript. p.* 280. 4.
(*k*) Victor. *in* Trajano.
(*l*) Lact. *de Mort. Perſec. c.* 9. *c* 18. *c.* 15.
(*m*) Euſeb. *de Martyrol Pal. c.* 13.
(*n*) Euſeb. *Vit.* Conſtant. *l.* 1. *c.* 9. 21.
(*o*) Lactan. *de Morte Perſec. c.* 24.
(*p*) Eumen. *Paneg.*
(*q*) Julian. *Orat* 1. *ad* Conſtant.

to have been accomplished, *viz. That the Christians rebuilt their Churches, destroy'd to the ground, and therein celebrated their Holy Sacraments, and kept solemn Festivals in memory of so great a Deliverance.* And from this time we may date the flourishing condition of this Church, which before must labour under great difficulties; the Governours of Provinces before *Constantius*, and the Generality of the People, being set against the Christians.

But the first Evidence we meet with of the settled Condition of the *British Churches*, is, the number of Bishops which went from *Britain* to the Council at *Arles*, *Anno Dom.* 314. where we find three Bishops subscribing to it, *Eborius*, Bishop of *York*; *Restitutus*, Bishop of *London*; and *Adelfius*, *de Civitate Colonia Londinensium:* So it is in (*r*) *Sirmondus* his best Copy. And although (*s*) Mr. *Selden* seems to question the *Antiquity* of it, yet the other vouches it to be very good and ancient. But what then is the *Civitas Colonia Londinensium?* The Learned (*t*) Primate thinks it to be *Colchester*; that being called in *Antoninus Colonia.* (*u*) Mr. *Selden* takes it to be *Camalodunum*, and so written *Camalodon*, which the ignorant Scribes made *Col. Londinensium:* (*w*) Sir *Henry Spelman* likewise supposes it to be the *old Colony* of *Camalodunum.* But, I think, a far more probable sense may be given of it, if we consider the way of summoning Bishops to *Councils* at that time: For it is unreasonable in imagine that every *Roman Colony* or *City* sent a *Bishop:* For then every Council would have been as full as the *Arabick* Writers say the *Council* of *Nice* was (of which Mr. *Selden* hath discoursed at large) or at least as (*x*) *Commianus* and (*y*) *Ado* thought this *Council* of *Arles* was, which they made to consist of 600 *Bishops:* An unreasonable number to be called together on such an occasion, as the giving way to the restless importunity of the *Donatists* to have their Cause heard over again. It is not to be presumed that *Constantine* would summon so great a number to make up a *Court* (*Episcopale Judicium* St. *Augustine* often calls it) wherein the main thing to be done was, to hear the Parties and give Judgment; And in the former Judgment 19 *Bishops* were summoned. It is said, (*z*) *That St.* Augustine *makes the number of Bishops at* Arles *to be* 200. But I see no sufficient ground to understand those words of this particular Council; but of *all the Bishops which had condemned them in several Councils*, among whom he reckons the *Italian*, *Spanish* and *Gallick Bishops*, who met at *Arles.* But when I compare the *Subscriptions* to that Council published out of the most ancient *MS.* with a Passage in *Hilary*, I am apt to believe, that excepting those that were very near about *Arles*, there were no more than a Bishop out of a *Province* with one or two *Presbyters.* So it is expressly in the (*a*) Summons to *Chrestus* Bishop of *Syracuse* in *Sicily*, (the only one remaining, and which (*b*) *Baronius* thinks was *the same to the rest*) wherein *he is required to come out of that Province, and to bring two Presbyters with him*, as *Valesius* shews against *Baronius* and *Sirmondus* the words are to be understood. And (*c*) *Hilary*, speaking of the Councils of his time, saith, *That one or two Bishops were sent for out of a Province*, and he instanceth in the *Council* of *Ancyra*, and the great *Council* of *Ariminum:* So here we meet with *Chrestus* out of the *Province* of *Sicily*, *Quintasius* out of the *Province* of *Sardinia*, and so in most of the rest, the distinct *Provinces* are set down out of which they came: And at that rime there were 18 *Provinces* of *Gaul* and *Britain*, and so many Bishops appear'd at *Arles*, besides *Marinus* the Bishop of the Place. But

(*r*) Sirmond. *Concil. Gallic. To.* 1. *p.* 9.
(*s*) Selden. *in Eutych. p.* 118.
(*t*) Usser. *de Prim. p.* 60, 195.
(*u*) Seld. *in Eutych. p.* 118, 119.
(*w*) Spelman. *Concil. To.* 1. *p.* 39.
(*x*) *Epist. Hibern.* 11.
(*y*) Ado *in Chro.*
(*z*) Augustin. *ad Ep. Parm. l.* 1. *c.* 5.
(*a*) Euseb. *l.* 10. *c.* 5.
(*b*) Baron. *A. D.* 314. *n.* 43.
(*c*) Hilar. *de Synod.*

to

to ſupply the defect of ſome other *Provinces* there were more out of that *Province* wherein *Arles* ſtood than out of any other. In *Britain* there were then *three Provinces* according to the *MS.* Copy of *Sextus Rufus* ſaith Mr. *Camden*: therefore in all probability, ſince the other two Biſhops were out of the other two Provinces, *Maxima Cæſarienſis* and *Britannia Prima*; The third Biſhop was out of the third Province of *Britannia Secunda*, wherein there were two noted *Colonies*, the one called *Colonia Divana* in the Coin of *Septimius Geta*, *Civitas Legionum* (*d*) Bed. *l.* 2. *c.* 2. in (*d*) *Beda*, now *Cheſter*; the other, *Civitas Legionis ad* Yſcham, where was a *Colony* of the 11th *Legion*, which Province is ſometimes called *Britannia Secunda*. And therefore this Biſhop *Adelphius* came *ex Civit. Col. Leg.* 11. which the ignorant Tranſcribers might eaſily turn to *ex Civit. Col. Londin.* The only Objection is that which is (*e*) Uſſer. *de Prim. p.* 96. ſuggeſted by the Learned (*e*) Primate of *Armagh*, viz. *That there were four Provinces of* Britain *at that time, and that* Flavia Cæſarienſis *was one of them; having its name from* Conſtantine, *who aſſumed the name of* Flavius; But *Goltzius* his Copy deſerves not to be ſo much preferr'd (*f*) Camd. *Brit. p.* 111 before (*f*) *Camden*'s; And the name of *Flavia Cæſarienſis* might either (*g*) Bert. *Pithar. Diatr.* 1. *c.* 5 *p.* 64. be taken from *Flavius Valentinianus*, as (*g*) *Berterius* thinks, or from *Fl. Theodoſius*, before whoſe time *Camden* ſaith he never met with *Britannia Flavia.*

There being then but *three Biſhops* preſent at the *Council* of *Arles*, is ſo far from being an Argument that there were no more in *Britain*, that it is rather an Argument to the contrary; ſince it was the Cuſtom to ſend but one or two out of a *Province* where they were moſt numerous. And I ſee no reaſon to queſtion a *Succeſſion* of *Biſhops* here from the firſt founding of a *Chriſtian Church.* To prove this, I ſhall not rely on the (*h*) *Apud* Patric. Jun. *Not. ad Epiſt.* Clem. Teſtimony of the *Anonymous* (*h*) *Greek* Author of the *Martyrdoms* of *Peter* and *Paul*, who ſaith, *St.* Peter *here ordained Biſhops, Prieſts and Deacons*; But upon the Reaſon of the Thing, there being no other Church in the Chriſtian World which derived from the *Apoſtles*, which had not a Succeſſion of *Biſhops* from them too; And we cannot trace the Hiſtory of other Churches farther than we can do that of their Biſhops. As for inſtance, The firſt Converſion of the Churches of *Africa* is much in the dark, but as ſoon as we read any thing conſiderable of (*i*) Cypr. *Ep.* 71. them, we meet with a Council of Biſhops, *viz.* of (*i*) *Agrippinus* and his *Brethren*, out of the *Provinces* of *Africa*, *Numidia* and *Mauritania*, and he was not the immediate Predeceſſor of St. *Cyprian*, who ſuffer'd (*k*) Tertull. *de Præſcr. hæret. c.* 32. in the Perſecution of *Valerian*, *Anno Dom.* 258. And (*k*) *Tertullian* puts the proof of *Apoſtolical Churches* upon *the Succeſſion of Biſhops from the Apoſtles*: which were a ſenſleſs way of proceding, unleſs it were taken for granted, that whereever the *Apoſtles* planted Churches, they appointed *Biſhops* to take care of them. Although therefore, by the loſs of *Records* of the *Britiſh Churches*, we cannot draw down the Succeſſion of Biſhops from the Apoſtles time (for that of the *Biſhops* of *London* by *Jocelin* of *Furnes* is not worth mentioning) yet we have great reaſon to preſume ſuch a Succeſſion; When upon the firſt ſummoning a Council by *Conſtantine* three *Britiſh Biſhops* appear'd; one out of every Province; as they did in other Parts.

But ſome pretend to give a more punctual and exact account of the ſettling of our Church Government here, viz. *That there were twenty eight Cities among the old* Britains, *That in theſe there were twenty five Flamins and three Archflamins, in whoſe places, upon the Converſion of the*

the Nation by King Lucius, *there was the like number of Bishops and Archbishops here appointed*; And for this, besides the Rabble of our Monkish Historians, who swallow *Geoffrey* of *Monmouth* whole without chewing; I find two of my Predecessors, Men considerable in their times, produced to the same purpose, viz. (*l*) *Radulphus de Diceto*, and *Rad. Baldock*. Others say, (*m*) *That these twenty eight Cities were not all furnished with Bishops in King* Lucius *his time, but that the honour of it belongs to him because he began it*: But this is making a new Story, and in effect denying the truth of the old Tradition. However I deny not, but that it is as certain that *King* Lucius *settled Bishops here*, as that he was converted by *Eluanus* and *Medwinus*; For the same Authors deliver both. But how far his Power extended, and consequently how many *Cities* had Episcopal Government then settled in them, is now impossible to be known. As to the *twenty eight Cities among the* Britains, the Tradition doth not depend upon the Credit of *Geoffrey* or *Nennius*; For *Bede* and before him *Gildas* say the same thing, viz. *That there were so many Cities among the* Britains, *while the* Romans *had Power here*, which I see no cause to doubt but they were *Cities* made by the *Romans*, or by the *Britains* in imitation of them, as I shall prove in another Discourse. But that which follows from hence is, *viz.* That the Government here settled being in *Roman Cities*, the correspondence must not be to the *British Druids*, but to the *Roman Colonies*. That there was some Subordination among the *Druids* is unquestionable. For *Cæsar* affirms, *That there was a Prince of the* Druids, and the last Age hath discovered a famous Urn of one *Chyndonax*, Chief of the *Druids*; concerning which whole (*n*) Books have been written, and several Discourses published, without any great satisfaction to me; But it is not to any purpose to tell why, since I yield the thing it self. And it is improbable there should be a Prince of the *Druids*, without an intermediate Subordination, and the *Druids* being so far dispersed, it was a reasonable thing, That the *superior Druids* should have their particular Limits assigned them, that they might the better understand and give account of those under them, and not interfere or intrench one upon another. As far then as we suppose them to be reasonable and prudent, these things may justly be supposed concerning them, so that setting aside the name of *Flamins* and *Archflamins*, for which there is no foundation at all (as to either among the *Druids*, and not for the latter word among the *Romans*) yet the thing it self hath no such absurdity or improbability in it. But the *Cities* here being *Roman*, as I suppose, the Government must be suitable to that of *Roman Colonies*, and they that know any thing of the nature and constitution of them, do know that they exactly follow'd the Pattern of the *City* of *Rome*, having a *Senate*, *Consuls*, *Prætors*, *Censors*, *Ædiles*, *Quæstors*, &c. And, besides the rest, they had their several *Flamins* and *Pontifices* too. But there were many of these *Flamins* in each *City* or *Colony*; thence (*o*) *Latinus Pacatus*, in his Panegyriek to *Theodosius*, mentions, *Reverendos municipali purpurâ Flamines, insignes apicibus Sacerdotes*, speaking of a *Roman Colony*; But there can be no resemblance between a multitude of *Flamins* in a City, and one *Bishop* over a Diocese. The *Flamins* were the Priests of some peculiar Deity, from whom they took their denomination, as may be at large seen in *Gruter*'s Book of *Roman Inscriptions*. But among them there was a certain order of Place and Dignity; for we read of a *Primus Flamen* in (*p*) *Gruter*.

(*l*) Mason. *de Minister. Angl. l.* 2. *c.* 3.

(*m*) *Animadverf. on Church Hist. of Brit. p.* 18.

(*n*) *Le Reveil de L'antique Tombs de* Chyndonax. *Licet. Resp. ad Quæst. per Epist. l.* 1. *ep.* 25.

(*o*) Pacat. *Paneg.* §. 37.

(*p*) *Inscript.* 292. 12.

But (*q*) *Jac. Gutherius* hath an Observation which will tend to clear this matter. For among the *Roman Inscriptions*, we meet with one extraordinary of this kind, viz. (*r*) *Flamini Divorum omnium*; Now saith he, *The name of Flamen was common to all the Priests in the* Roman *Cities*; *but the* Flamen Divorum omnium *was the chief Priest among them.* And so there is no such mighty absurdity as hath been imagined in supposing these *Flamins* to be put down, and the *Christian Bishops* to succeed in their Places; Especially if we could have made out that there were *Flamines Provinciarum*, as at first appearance seem'd very probable in the *Roman Inscriptions.* And (*s*) *Sertorius Ursatus* seems to make no doubt concerning it in this Inscription.

(*q*) Jac. Guther. *de veteri Jure Pontificio, l.* 1. *c.* 6.
(*r*) *Inscript. p.* 359. 3. 490. 2, *&* 31.
(*s*) Sertor. Urlat. *Monum. Patav. l.* 1. §. 6. *p.* 239.

DIVO AUGUSTO
ALBINUS. ALB. F. FLAMEN
DIVÆ. AUG. PROVINCIÆ
LUSITAN.

But it is an easie mistake for a *Flamen D. Aug.* one of *Augustus* his *Flamins* in that *Province.* Of which sort there are many Examples. But there are other (*t*) *Inscriptions* wherein we read of,

(*t*) Gruter. *Inscript. p.* 373. 7, 8.

FLAMINICA PROVINCIÆ
LUSITANIÆ.

But all that *Sertorius Ursatus* infers from hence is, *That there were Temples dedicated to* Municipia *and to Provinces, and these Temples had their* Flamines *and* Flaminicæ. But this doth not prove, that the *Flamins* had any Jurisdiction over a Province; Which had been indeed to the purpose. Among the *Romans*, although there were none called *Archflamines*, yet there were *Flamines majores & minores*, as appears by *Festus* and others. The lesser are thought by some to be called *Flamines* in the *Inscriptions* both of (*u*) *Gruter* and (*w*) *Reinesius. Festus* saith, the *Majores Flamines* were the *Patricians*; the *Minores*, the *Plebeians:* but the late Publisher of *Festus* saith, That the *Majores Flamines* were the *Dialis*, *Martialis* and *Quirinalis*; the rest of the fifteen who were added afterwards, were the *Minores*; The *Flamen Martialis* and *Quirinalis* were of the *College* of *Pontifices*, as appears by (*x*) *Cicero:* And the *Pontifices* themselves were divided likewise into *Majores* and *Minores*, as appears both by *Festus* and the *Inscriptions:* These *lesser* were at first *Assessors* in the *College* or *Court* of *Pontifices*; But afterwards became only *Officers* to them; And among these there was a *Pontifex Maximus* too: But, as *Festus* saith, *he was only the first in the College:* But all this relates only to the *City.* That which comes nearer to our business is the Consideration of the *Sacerdotes Provinciarum*, as they are called in the (*y*) *Theodosian Code.* (*z*) *Jac. Gothofredus* saith, *The difference between the Flamins and these was*; That the *Flamins* belong'd to particular *Cities*; But these had *whole Provinces* under their Care; and so in the Law, the *Honor Flaminii* was distinct from the *Honor Sacerdotii*; this latter is called *Archierosyne* in the same *Code*; And the Title and Office still continued in the time of *Theodosius M.* And it is there described to be *a Care that Divine Offices*

(*u*) Gruter. *Thes. p.* 364. 1. 498. 8.
(*w*) Reines. *Inscript. p.* 385.
(*x*) Cicero *de Arusp. Resp.*
(*y*) C. Theod. *Tit. de Dec. l.* 46, 75, *&c.*
(*z*) J. Gothofr. *ad* C. Theod. 12. *Tit.* 1. *de Dec. l.* 21, 112

were

were performed in their Temples; and such as these were (*a*) *Sopelianus* in *Asia*, and (*b*) *Chrysantius* in *Lydia*, and (*c*) *Arsacius* in *Galatia*, to whom an Epistle of *Julian* is still extant, giving him charge to look after his Office with great Care, and to warn and punish *the inferior Priests* if they neglected their Duty. So that we have now found out what did bear a great correspondence among the *Romans* to our *Bishops* and *Archbishops*.

(*a*) Philostr. *vit.* Sopel. (*b*) Eunap. *in* Chry. (*c*) Julian. *Ep.* 49.

But it still remains a Question, Whether they did not rather borrow this from the *Christians*, than the *Christians* from them? For *Julian* in that *Epistle* makes it his business to persuade *Arsacius* to *take all things commendable from the Christians*; and no doubt this was thought so by his Predecessors, who first set up this *Sacerdotal Government of Provinces* among them. And, if I mistake not, it began much later than the first Settlement of *Episcopacy* in the *British Churches*; For (*d*) *Eusebius* saith, That *Maximinus* appointed not only Priests in the Cities, but Ἀρχιερεῖς, *Chief-priests in the Provinces*, where *Valesius* mistakes his meaning; for he thinks all the Innovation of *Maximinus* was the appointing them himself, whereas they were wont to be chosen by the *Decuriones* in the Cities: But he speaks of it as *a new thing* of *Maximinus*, to appoint such an *Order* and *Office* among the *Priests* which had not been known before: And that which puts this matter out of doubt is, That (*e*) *Lactantius*, in his excellent Piece lately published out of a *MS.* by *Baluzius*, saith expressly of *Maximinus*, *Novo more Sacerdotes maximos per singulas Civitates singulos ex primoribus fecit, i. e.* That by *a new Custom* he appointed *Chief Priests* in the *several Cities*, of the greatest Persons in them, who were not only to do the *Office of Priests themselves*; but to look after *the Inferior Priests*, and by their means to hinder the *Christians* from their Worship, and to bring them to punishment: But, as though this were not enough, *He appointed other Priests over the Provinces, in a higher degree above the rest.* Although then *Valesius* asserted that such were elder than *Maximinus*, yet *Lactantius*, whose authority is far greater, hath determined the contrary.

(*d*) Euseb. *l.* 8. *c.* 14. *l.* 9. *c.* 4.

(*e*) Lactant. *de Morte Persec. c.* 36.

I am not ignorant that, long before *Maximinus* his time, (*f*) *Tertullian* mentions the *Præsides Sacerdotales*, but those do not relate to this matter, but to the *Spectacula*, as appears by the place. (*g*) Some insist on the *Sacerdotes Provinciales* in (*h*) *Tertullian*; but *Rigaltius* shews there ought to be a *comma* between them, it being very unlikely the *Provincial Priests* should have *Golden Crowns* when those at *Rome* had not. And in a (*i*) *Canon* of the *African Code* we find the *Sacerdotes Provinciæ*, but that *Council* was long after, *Anno Dom.* 407. And these seem to be no other than *Advocates*, who were to appear for the Causes which concerned the *Temples* and *Sacrifices* throughout the *Province*. According to which method, the *African Bishops* there desire, *That the Churches might have Advocates too, with the same Privileges*: Which Request was granted by (*k*) *Honorius*; and was the first Introduction of *Lawyers* into the *Service* of the *Church*, who were called *Defensores Ecclesiarum*, and were afterwards *Judges* in *Ecclesiastical Causes*. But that which comes nearer to this matter is, the Authority of the *Asiarchæ*, who in some *Coins*, mentioned by (*l*) *Spanhemius*, are said to be *Priests over thirteen Cities*; And this in the Law is called (*m*) *Sacerdotium Asiæ*: But these seem to have been no other than

(*f*) Tertull. *de Spectac.* *c.* 11. (*g*) Alb. Piccoli *de antiquo Jure Siculæ Eccles. c.* 11. (*h*) Tertull. *de Idolat. c.* 18. (*i*) *Cod. Afric. c.* 97. (*k*) C. Theod. 16. *Tit.* 2. *l.* 38. (*l*) Spanhem. *de Numism. p.* 692. (*m*) *L.* 19. *de Mun. & Honor.*

than those who took care of the *publick Solemnities* in the *common Assembly* in *Asia*, when the People met out of these *Cities* to perform them either at *Ephesus* or *Smyrna*, or any other of the Cities within this *combination*, as is observed by many (*n*) Learned Men. And although there were but one *Chief* at a time, yet the Office seem'd to have passed by turns through the several Cities; And he in whose City the Solemnities were to be kept, was the *President* for that time, and had the Title of *Asiarcha*. But (*o*) *Alb. Rubenius* shews from *Aristides* and *Dio*, *That the* Asiarchæ *had the Superintendency over the Temples and the Priests within the Community of the* Asian *Cities*; But these were only, he saith, *For the Temples erected to the* Cæsars *out of the common Stock*; The *Temple* of *Diana* at *Ephesus* belonging to the *Ionian Community*, and not to that of *Asia*. *Herodes Atticus* is called in the Inscription at (*p*) *Athens*, Ἀρχιερεὺς τῶν Σεβαστῶν, Cæsar's *High-priest*. But that seems to be only a *Title*, without Power. But it appears by the (*q*) *Inscription* at *Thyatira*, That the *Asiarcha* was called *the High-priest of* Asia, and had Power *to place Priests in the Cities under his Care*. But still this falls short of such *Chief-priests* in the *Provinces* as *Maximinus* appointed.

(*n*) Cujac. *Observ. l.* 2. *c.* 13. Pet. Fabr. *Sem. l.* 3. *c.* 1. Albasp. *Obs. l.* 1. *c.* 22. Seld. *ad Marm. Arund. p.* 164. (*o*) Alb. Ruben. *de Urb.* Neocoris, *p.* 246. (*p*) Spons *Voy.* 220. (*q*) *Id p.* 114.

And thus I have endeavour'd to clear the *Antiquity* and *Original Institution* of *Episcopacy* here, by shewing it was not taken up, according to the *Monkish Tradition*, from the Heathen *Flamins* and *Archflamins*; But came down by *Succession* from the first planting of *Apostolical Churches*. For although we cannot deduce a lineal *Succession* of *Bishops*, as they could in other Churches, where Writings were preserved, yet assoon as through the Churches Peace they came to have intercourse with foreign Churches (as in the Council of *Arles*) they appeared with a proportionable number of *Bishops* with those of the other *Provinces*; And their *Succession* was not in the least disputed among them, they subscribed to the Sentence and *Canons* as others did. And what *Canons* did then pass, did no doubt as much concern the *British Churches* to observe, as any other *Churches* whose Bishops were there present. Which *Canons* were passed by their own Authority; For they never sent to the *Bishop* of *Rome* to *confirm*, but to *publish* them, as appears by the *Synodical* Epistle which they sent to him; Their words are, *Quæ decrevimus Communi Concilio, Charitati tuæ significamus, ut omnes sciant quid in futurum observare debeant.* (*r*) *Baronius* had good luck to find out *the necessity of the Pope's confirmation* here; Whereas they plainly tell him, *they had already decreed them by common consent, and sent them to him to divulge them, i. e.* As (*s*) *Petrus de Marca* saith, *As the Emperors sent their Edicts to their* Præfecti Prætorio. Was that to confirm them? It is true, they say, *the Pope had a large Diocese*; But if these words had implied so much as a *Patriarchal Power over the Bishops* there assembled, how could they assume to themselves this *Power* to make *Canons*; And only to signifie to him *what they had done*, and to desire him to communicate these *Canons* to others? Would such a Message from a *Council* have been born, since the *Papal Supremacy* hath been owned? Nay, how saucily would it have looked in any *Council* within the *Patriarchats* of the East to have done so? But these *Bishops* of *Arles* knew no other Style then, but *Charitati tuæ*; And they signifie to the Bishop of *Rome what they had already decreed*, but not what they had prepared for him to *confirm*. And they are so far from owning his *Authority* in calling them together, That they tell him, They were

(*r*) Baron. *A. D.* 314. *n.* 68. (*s*) Pet. de Marca *de Concord. l.* 7. *c.* 14. *n.* 2.

Communi copula charitatis & unitate Matris Ecclesiæ Catholicæ vinculo inhærentes ad Arelatensium *Civitatem piissimi Imperatoris voluntate adducti*——

Quos & Dei nostri præsens Auctoritas & Traditio, ac Regula veritatis ita respuit——

Judice Deo, ac Matre Ecclesia quæ suos novit aut comprobat, aut damnati sunt aut repulsi.

Et utinam, Frater dilectissime, ad hoc tantum spectaculum interesses—

Et te pariter nobiscum judicante Cœtus noster majori lætitia exultasset.

were assembled at the Emperors, Command, and were so far from expecting Directions *from him, that they tell him they had* a Divine Authority present with them, and a certain Tradition and Rule of Faith. *They wished indeed*, he had been present with them, and to have judged together with them. *Was this to make him sole Judge? or could they believe him at the same time to be their* Supreme Head? *They could have been* glad of the Company of their Brother of *Rome, as they familiarly call him*; But since his Occasions would not permit his Absence from home, they acquaint him what they had done, and so send him an *Abstract* of their *Canons*, as may be seen at large both in *Sirmondus* and *Baronius*. By this we see what Opinion the *British Bishops* and their *Brethren* had of the *Pope*'s *Supremacy*.

But now to their *Canons*; Those may be reduced to three Heads; Either to the *Keeping of Easter*; Or to the *Discipline of the Clergy*; Or to *Lay Communion*.

(1.) As to *Easter*, That Council decreed, *Can.* 1. *That it should be observed on the same day and time throughout the World. And that the Bishop of* Rome *should give notice of the day, according to custom.* But this latter part was repealed, as *Binius* confesses, by the Council of *Nice*, which referr'd this matter to the Bishop of *Alexandria*.

(2.) As to the *Clergy*, There were *Canons* which related to Bishops, Priests and Deacons. (1.) To *Bishops*, and those were four: (1.) *That no Bishop should trample upon another*, Can. 17. which *Albaspinæus* well interprets of invading another's *Diocese*. (2.) *As to travelling Bishops, that they should be allow'd to perform Divine Offices in the City they came unto*, Can. 19. (3.) *That no Bishop should Consecrate another alone, but he ought to take seven with him, or at least three*, Can. 20. Which shews the number of Bishops then in the Western *Provinces* and so in *Britain* at that time. The *Nicene Canon*, Can. 4. takes notice only of *three Bishops* as necessary to be present, because many Eastern *Provinces* had not *seven*; as *Christianus Lupus* observes on that *Canon*. In an *African* Council in *Cresconius* we find, *That because that two had presumed to consecrate a Bishop, they desire that twelve may be present*; But *Aurelius*, Bishop of *Carthage*, refused it for this reason, *Because in the Province of* Tripolis *there were but five Bishops*. Therefore when the Council of *Arles* appoints *seven*, it doth suppose these *Provinces* to have a greater number of *Bishops*. (4.) *That if any were proved to have been* Traditores *in the Time of Persecution*, i. e. to have given up the sacred Books or Vessels, *or to have betray'd their Brethren, and this proved by Authentick Acts; Then they were to be deposed.* However *their Ordinations are declared to be valid*, Can. 13.

(2.) As

(2.) As to inferior Clergy; (1.) *Excommunication is denounced againſt thoſe that put out money to uſe*, Can. 12. (2.) *That they were not to forſake the Churches where they were ordained*, Can. 2. And Deprivation is threatned on that account, *Can.* 21. (3.) *The Deacons are forbidden to celebrate the Lord's Supper*, there called *Offering*, Can. 15.

(3.) As to *Lay Communion*: (1.) *Thoſe that refuſe to continue in their Employment as Souldiers, now the Perſecution was over, were to be ſuſpended Communion*, Can. 3. The words are *de his qui arma projiciunt in Pace.* Of which ſome do hardly make tolerable ſenſe. *Binius* ſaith it muſt be read *in Bello.* But nothing can be more contrary to *Peace* than *War*; How then ſhould ſuch a miſtake happen? *Albaſpinæus* ſaith, *It is againſt thoſe who refuſe to be Souldiers in time of Peace: Baronius* ſaith, *It is againſt them that apoſtatize in time of Peace*; But if a Metaphorical Senſe will be allow'd, that which ſeems moſt probable is, That many Chriſtians, now the Perſecution was over, neglected that Care of themſelves, and that Strictneſs of Diſcipline which they uſed before; And therefore ſuch are here threatned, if not to be thrown out, yet to be debarr'd Communion till they had recover'd themſelves. And much to this purpoſe *Joſephus Egyptius* and *Joh. Antiochenus* do underſtand the 12. *Can.* of the *Council.* of *Nice.* But if a Metaphorical Senſe be thought too hard; Then, I ſuppoſe, the meaning is, againſt thoſe who renounced being Souldiers, as much now in time of the *Churches Peace*, as under *Perſecution*, when they could not be Souldiers without committing *Idolatry*, as appear'd in the Perſecution of *Licinius* and others. *Conſtantine*, as (*t*) *Euſebius, gave them all leave to forſake their Employment that would.* But the Council of *Arles* might well apprehend, That if all *Chriſtians* renounced being *Souldiers*, They muſt ſtill have an Army of Heathens, whatever the Emperors were; And therefore they had reaſon to make ſuch a *Canon* as this, ſince the *Chriſtians* ever thought it lawfull to ſerve in the *Wars*; Provided no *Idolatrous Acts* were impoſed, which was frequently done on purpoſe by the *Perſecutors*, as *Maximianus*, *Licinius*, *Julian*, &c. And this I think the true meaning of this difficult *Canon.* (2) *For thoſe who drove the Chariots in Races, and acted on Theatres, as long as they continued ſo to do*; There being ſo many Occaſions of Idolatry in both of them, *They were to be caſt out of Communion*, Can. 4. 5. (3.) *That thoſe who were Chriſtians and made Governours of remote places ſhould carry with them the communicatory Letters of their own Biſhop, and not be debarr'd Communion, unleſs they acted againſt the Diſcipline of the Church.* This I take to be the meaning of *Can.* 7. (4.) *That thoſe who were received into the Church in their weakneſs ſhould have Impoſition of hands afterwards*, Can. 6. (5.) *That thoſe who brought Teſtimonials from Confeſſors ſhould be bound to take communicatory Letters from their Biſhop*, Can. 9. (6.) *That thoſe who found their Wives in Adultery, ſhould be adviſed not to marry again while they did live*, Can. 10. (7.) *That thoſe young Women who did marry Infidels ſhould for a time be ſuſpended Communion*, Can. 11. (8.) *That thoſe who falſly accuſed their Brethren ſhould not be admitted to Communion as long as they lived*, Can. 14. (9.) *That none who were excommunicated in one place ſhould be abſolved in another*, Can. 16. (10.) *That no Apoſtate ſhould be admitted to Communion in Sickneſs*; *But they ought to wait till they recover'd and ſhew'd amendment*, Can. 22. (11.) *That thoſe who were baptized in the Faith of the Holy Trinity ſhould not be rebaptized*, Can. 8.

(*t*) Euſeb. *de vit.* Conſt. *l.* 2. *c.* 33.

And

And this was the *Canon* which St. *Auguſtine* on all occaſions preſſed upon the *Donatiſts*, as *Sirmondus* and *Launoy* think; And therefore they ſuppoſe this Council to be called ſo often a *Plenary* and *Univerſal Council*, not from the *number* of *Biſhops* preſent, but from the *Provinces* out of which they came; And ſo it was the firſt *General Council* of the *Weſtern Church.*

CHAP. III.

Of the Succeſſion of the *Britiſh* Churches from the Council of *Nice* to the Council of *Ariminum.*

GReat Probabilities that the Britiſh *Biſhops were preſent in the Council of* Nice.

The Teſtimonies of Conſtantine's *being born in* Britain *clear'd.*

The particular Canons of the Council of Nice *relating to the Government of the Churches explain'd.*

How far the right of Election was devolved to the Biſhops.

Of the Authority of Provincial Synods there ſettled.

Particular Exceptions as to the Biſhops of Alexandria, Rome *and* Antioch *from ancient Cuſtom.*

They had then a Patriarchal Power within certain bounds.

No Metropolitans under the Juriſdiction of the Biſhops of Rome *and* Alexandria.

The juſt Rights of the Britiſh *Churches clear'd.*

No evidence that they were under the Roman *Patriarchate.*

The Cyprian *Privilege vindicated from all late Exceptions.*

The Patriarchal Rights examin'd; And from them the Pope's Patriarchal Power over the Weſtern Churches at large diſputed and overthrown.

Pope Leo's *Arguments againſt the Patriarch of* Conſtantinople *held for the Weſtern Churches againſt him.*

The Britiſh *Biſhops preſent in the Council of* Sardica.

What Authority granted by them to the Biſhop of Rome, *and how far it extends.*

HAving deduced the *Succeſſion* of the *Britiſh* Churches down to the Appearance of the *Britiſh* Biſhops at the firſt Council of *Arles*, I now come to the famous Council of *Nice*; And although the Subſcriptions ſtill remaining which are very imperfect and confuſed in the beſt Copies, do not diſcover any of the *Britiſh*

tish Bishops to have been there present, yet there are many Probabilities to induce us to believe that they were. For (1.) *Constantine* declares, that his Design was, to have as full an Appearance of Bishops there from all parts as he could well get together. To that end he sent forth an universal Summons for the Bishops to come *out of all Provinces*, ἁπανταχόθεν is the word used by (*a*) *Eusebius*. And presently after he saith *Constantine*'s Edict was divulged πανταχῆ, *in all Provinces of the Empire*. How can this be, If there were no Summons in the *Provinces* of *Gaul* and *Britain?* And to prevent all Objections, as to difficulty and charges of Passage, *Eusebius* adds, *That he had given order to have the publick Carriages ready, and all Expences to be defrayed for them.* To this purpose *Tractoriæ* were to be given them by the Emperor's Order, which secured their Passage and Provision in all Places; the form of which is extant in (*b*) *Baronius*. And the *Classis Britannica* lying near to *Britain* to secure these Coasts from the *Franks* and *Saxons*, who were then troublesome, (and over which *Carausius* so lately was appointed Admiral to clear these Seas) the Bishops here could not want conveniency to transport them. (2.) *Constantine* expressed great satisfaction in the *Numbers* that did appear from all parts. So that there is no reason to question, That they did answer his expectation. For in his *Epistle* to the Church of *Alexandria*, (*c*) he saith, *He had brought together a great number of Bishops*; But more fully in his *Epistle* to the Churches; *That to the settlement of the Christian Faith it was then necessary, that all the Bishops should meet together, or at least the greatest part:* Therefore he had assembled as many as he could. But when it appears by the Council of *Arles*, what numbers of Bishops there were in these Western Provinces, how could *Constantine* use such Expressions as these, if they were not summoned to appear? And (*d*) *Eusebius* saith, *Those that were summon'd did come according to appointment with great readiness, not only for the sake of the Council, but of the Emperor*; And he after saith, *That the most eminent Bishops of all Churches, as well those of* Europe *as* Asia *and* Africa *did come to Nice.* Did not *Eusebius* know of the Churches of *Britain?* Yes, most certainly, For he mentions *their early conversion to Christianity*, as I have already shew'd; And in that very Book of the *Life* of *Constantine*, he mentions *the Churches of Britain*, as well as those of *Gaul* and *Spain:* And there *Constantine* insists upon the consent of the *Western* and *Northern Churches about Easter*, as well as the *Southern* and some of the *Eastern*. Now if their Consent were so considerable as to add weight in this matter, It is not to be supposed they should be left out, when he designed an *Oecumenical Council*, as far as it was in his power to make it so, which certainly extended to all the Provinces within the *Empire*. (3.) It is not probable the Churches of *Britain* should be left out, considering *Constantine*'s relation to *Britain*. For he was not only proclaimed Emperor here on the death of his Father; But, if the *Panegyrist* who lived in that time may be believed, *He was born here*. For, comparing (*e*) *Constantius* and him together, he saith, *That his Father deliver'd* Britain *from Slavery*, *Tu etiam Nobiles illic oriendo fecisti:* The question now is, Whether these words relate to his *Birth*, or to *his being proclaimed Cæsar* here? *Livineius* is for the latter, after (*f*) But I see no reason to decline the most natural and proper sense, viz. *That he brought such a great honour to* Britain *by being born in it.* (*g*) *Eumenius*, in another *Panegyrick*, applauds the happiness of *Britain*, *That had the first sight*

(*a*) Euseb. *de vit.* Const. *l.* 3. *c.* 6.

(*b*) Baron. *A. D.* 314. *n.* 48.

(*c*) Socrat. *l.* 1. *c.* 9.

(*d*) Euseb. *vit.* Const. *l.* 3. *c.* 6, 7.

Euseb. *vit.* Const. *l.* 3. *c.* 19.

(*e*) *Panegyr.* Max. *&* Constant.

(*f*) Lipsius *de Mag. Rom. l.* 4. *c.* 11. *in Notis.*

(*g* Eumen. *Panegyr.* Constant. §. 9.

sight of Constantine Cæsar. This is likewise capable of both senses; But he immediately falls into a high commendation of *Britain*, for its *Temper*, *Fertility*, *Riches* and *Length of days*. If this were *Constantine's own Country*, this was done like an *Oratour*; If not, to what purpose is all this? And then he parallels *Britain* with *Egypt*, *where* Mercury *was born*; Which shews that he spake of the Place of *Nativity*. Besides, the former *Panegyrist* made his *Oration* to *Maximianus* and *Constantine* together, upon his Marriage of *Theodora* his Daughter; But it is not so probable that he would to him so much own *Constantine's* being made *Cæsar* in *Britain*; For that was not according to the *Rules* of *Government*, in the Court of *Maximianus* and *Diocletian*; for as *Galerius* told *Diocletian* when he would have had four *Augusti*; *No*, saith he, *That is against your own Maxim, which is to have only two* Augusti, *and for them to name two* Cæsars. Therefore it is not likely, That the Oratour should, to *Maximianus* his face, own him to be made *Cæsar*, without the consent of those who were then *Augusti*: But if he speaks of his being made *Cæsar* by *Galerius*, it is very doubtful whether he were then in *Britain*. (*h*) For *Lactantius* saith, *he took time to consider about it, and was very hardly brought to it*: But (*i*) *Nazarius*, and (*k*) *Praxagoras*, both say, *That* Constantine *went into* Gaul *soon after his Father's death*; And therefore *Gaul* first saw him *Cæsar*, according to the constitution of the *Empire* at that time. So that this one Testimony of the *Panegyrist* weighs more with me than ten *Cedrenus's* or *Nicephorus's* who say *he was born in the East*. But I produce this only as an argument of the improbability, That the *British* Churches should be omitted by *Constantine* in the Summons to his *Oecumenical Council*; or, That they being summon'd should neglect to go. (4.) They were certainly summon'd, and did go to the *Councils* of *Sardica* and *Ariminum* after, and to that of *Arles* before, and why should we believe them left out in that of *Nice?* This argument alone prevailed with Mr. (*l*) *Selden* to believe them present at the *Council* of *Nice*. And we are now forced to make use of the best Probabilities, since *Athanasius* his (*m*) *Synodicon* hath been so long lost, wherein all their Names were set down who were then present; And that *Catalogue* of them, if it were distinct, which (*n*) *Epiphanius* had seen.

(*h*) Lactant. *de Morte Persec. c.* 25.
(*i*) Nazar. *Paneg. n.* 16.
(*k*) Phot. *Cod.* 62.
(*l*) Selden. *in* Eutych. *p.* 117, 123.
(*m*) Socr. *l.* 1. *c.* 9.
(*n*) Epiph. *hær.* 69.

There being then so much reason to believe the *British* Bishops present in the Council of *Nice*, we have the more cause to look into the *Constitution* of the Ecclesiastical Government there settled, that so we may better understand the just *Rights* and *Privileges* of the *British Churches*. After the Points of Faith and the time of *Easter* were determined; The Bishops there assembled made *twenty Canons* for the *Government* and *Discipline* of the *Church*, in which they partly re-inforced the *Canons* of the Council of *Arles*, and partly added new. Those that were re-inforced were, (1.) *Against Clergy-mens taking the customary Usury then allow'd*, Can. 17. (2.) *Against their removing from their own Diocese*, Can. 15. which is here extended to *Bishops*; and such removal is declared null. (3.) *Against Deacons giving the Eucharist to Presbyters, and in the presence of Bishops*, Can. 18. (2.) As to *Lay Communion*; The *Canon* against *re-baptizing is re-inforced by* Can. 19. wherein those only who renounced the Trinity are required to be *re-baptized*, and the *Canon* against being *excommunicated in one Church, and received into Communion in another*, Can. 5. whether they be of the Laity or Clergy.

For the *New Canons* about *Lay Communion*, they chiefly concerned the *Lapsed* in times of *Persecution*. As (1.) *If they were only Catechumens, that for three years they should remain in the lowest Form, not being admitted to join in any Prayers of the Church, but only to hear the Lessons read, and the Instructions that were there given*, Can. 14. (2.) *For those that were baptized, and fell voluntarily* in the late Persecution of *Licinius*, *They were for three years to remain among those who were admitted onely to hear, for seven years to continue in the state of Penitents, and for two years to join only with the People in Prayers, without being admitted to the Eucharist*, Can. 11. (3.) *For those Souldiers who* (in that Persecution when *Licinius* made it necessary for them to sacrifice to Heathen Gods if they would continue in their Places) *first renounced their Employments, and after by Bribery or other means got into them again, for three years they were to be without joining in the Prayers of the Church, and for ten years to remain in the state of Penitents*; *But so as to leave it to the Bishop's Discretion to judge of the sincerity of their Repentance, and accordingly to remit some part of the Discipline*, Can. 12. (4.) *If persons happen'd to be in danger of Death before they had passed through all the methods of the Churches Discipline, they were not to be denyed the Eucharist*; *But if they recover, they were to be reduced to the state of Penitents*, Can. 13. But there was one *Canon* added of another nature, which concerned *Uniformity*, and that is the last of the *Genuine Canons*. It had been an ancient Custom in the Christian Church to forbear *kneeling* in the *publick Devotion* on the *Lord's Day*, and between *Easter* and *Whitsontide*, but there were some who refused to observe it; And therefore this *Canon* was made to bring all to an *Uniformity in that Practice*, Can. 20.

But there are other *Canons* which relate more especially to *Ecclesiastical Persons*, and those either concern the *Discipline* of the *Clergy*, or the *Government* of the *Church*.

(1.) For the *Discipline* of the *Clergy*, they are these.

(1.) *None who had voluntarily castrated themselves were to be admitted into Orders*, Can. 1. For it seems *Origen*'s Fact, however condemned by some, was as much admired by others, and (*o*) *Christianus Lupus* thinks the Sect of the *Valesii*, who *castrated all*, came from him; But I do not find that *Origen* did propagate any Sect of this kind; And *Epiphanius* makes one *Valens* the Authour of it; However this great Council thought fit to exclude all such from any Capacity of Church Employments; But it is generally supposed, and not without reason, that the Fact of *Leontius*, a *Presbyter* of *Antioch*, (*p*) castrating himself because of his suspicious Conversation with *Eustolia*, gave the particular Occasion to the making this Canon. (2.) *None who were lately Catechumens, were to be consecrated Bishops or ordained Presbyters*, Can. 2. For however it had happen'd well in some extraordinary Cases, as of St. *Cyprian* before, and others after this Council, as St. *Ambrose*, *Nectarius*, &c. yet there was great reason to make a standing Rule against it. (3.) *None of the Clergy were to have any Woman to live in the House with them, except very near Relations, as Mother, or Sister*, &c. *Can.* 3. For some, pretending *greater Sanctity*, and therefore *declining Marriage*, yet affected the *familiar Conversation of Women*, who made the same pretence. For (*q*) *Budæus* hath well observed that Συνείσακτος is *a Companion of Celibacy*; So that when two Persons were resolved to continue unmarried and agreed

(*o*) Christian. Lup. *Not. in Concil. Nicæn. Can.*

(*p*) Baron. *A.D.* 325. *n.* 146. *Vide* Athan. *ad solit. vit. agent. p* 812, 822, 827.

(*q*) Bud. *Com. L. Gr. p.* 148.

greed to live together, one of these was Συνείσακτος to the other. And (r) *Tertullian*, writing against second Marriages, seems to advise this Practice, *Habe aliquam Uxorem spiritualem; adsume de Viduis Ecclesiæ*, &c. And it soon grew into a Custom in *Africa*, as appears by (s) St. *Cyprian* who writes vehemently against it, and shews the Danger and Scandal of it. And that this *Conversation* was under a Pretence of *Sanctity* appears by (t) St. *Jerom*'s words, speaking of such Persons, *Sub nominibus pietatis quærentium suspecta consortia*; and again, *Sub nomine Religionis & umbra Continentiæ.* But elsewhere he calls it *Pestis Agapetarum*, for it spread like the Plague, and was restrained with great Difficulty; And at last *Laws* were added to *Canons*, these being found ineffectual. (4.) *If any persons were admitted loosely and without due Examination into Orders, or upon Confession of lawful Impediments had Hands notwithstanding laid upon them, such Ordinations were not to be allowed as Canonical*, Can. 9. which is more fully expressed in the next *Canon* as to one Case, viz. *That if any lapsed persons were ordained, whether the Ordainers did it ignorantly or knowingly, they were to be deprived*, Can. 10. (5.) *If any among the* Novatians *returned to the Church, and subscribed their Consent to the Doctrine and Practice of it, their Ordination seems to be allowed. Justellus*, and some others think *a new Imposition of Hands* was required by this *Canon*; If any of the *Novatian Clergy* were admitted into the Church. And so *Dionysius Exiguus* and the old Latin Interpreter do render it. But *Balsamon*, *Zonaras* and others understand it so, as that the former Imposition of Hands, whereby they were admitted into the Clergy were hereby allow'd. If the words of the *Canon* seem to be ambiguous, and their Sense to be taken from the Practice of the *Nicene Fathers* in a parallel Case, then they are rather to be understood of a *new Imposition of Hands.* For in the Case of the *Meletians* who were ordained in *Schism* too, they determined in their Synodical Epistle that they should be received μυστικωτέρᾳ χειροτονίᾳ, *with a more sacred Imposition of Hands*; But it is not agreed whether this implies a *Re-ordination* or not. (u) *Valesius* thinks it doth, but others take it only for a *simple Benediction*, or the *Laying on of Hands upon Reconciliation to the Church.* And (w) *Godfrey Hermant* hath at large proved *Re-ordination* in this Case to have been against the sense of the Church; wherein he hath the advantage of *Valesius*: As is evident to any one that reflects on the *Occasion* of the *Luciferian Schism*; which began upon the *Council* of *Alexandria*'s allowing the *Ordination* of the *Arian Bishops.* And it would be very strange if *Schism* were more destructive to Orders than plain *Heresie.* But *the* Novatian *Bishop was to have no Jurisdiction where there was one of the Catholick Church*; Can. 8.

(r) Tertull. *de Monog.* c. 16. *De Exhort. Castit.* c. 12.
(s) Cypr. *Ep.* 4. *ed. Oxon.*
(t) Hieron. *ad* Rustic. *ad* Gaudent. *ad* Eustoch.
(u) Vales. *Not. in* Socrat. *l.* 1. c. 9.
(w) Lavie *de S.* Athan. *l.* 2. c. 13. *in not.*

Among the *Canons* which relate to the Settlement and Polity of the Church, these three are very material. (1.) About *Election* and *Consecration* of *Bishops.* (2.) About *Provincial Synods.* (3.) About the *Bounds of Jurisdiction.* For the seventh *Canon* is but a *Complement to the Bishop of* Jerusalem, *giving him the honour of a Metropolitane without the Jurisdiction.*

(1.) About *Election* and *Consecration of Bishops.* The *Canon* is, *That a Bishop ought chiefly to be constituted by all the Bishops in the Province; But if this be too difficult, either through urgent Occasions, or the length of the way, yet three must be present for that purpose, and have the*

Conſent of the abſent under their Hands, and ſo to make the Conſecration. But the Confirmation of all things done in the Province muſt be reſerved to the Metropolitane, Can. 4. By this *Canon* the *Government* of the Church came now to be ſettled under *Conſtantine*, and with his *Approbation*. And here we find, That every *Province* had a number of Biſhops within it ſelf, who were to take care of the *Eccleſiaſtical Government* of it, but ſo as the conſent of the *Metropolitane* were obtained: So that the *Rights* of *Metropolitans*, as to the chief *Eccleſiaſtical Government* of every *Province*, are hereby ſecured; For the laſt Clauſe doth not merely refer to the *Conſecration* of *Biſhops*; But takes in that, with other *Eccleſiaſtical Affairs* of the *Province*. The only difficulty lies in the firſt Clauſe, What is meant by the Biſhops of the Province, *conſtituting a new Biſhop*; Whether the *Right* of *Election* is hereby devolved to them, or whether it be only the *Right* of *Conſecration* upon the *Election* of the People? Which is therefore here fit to be enquired into, becauſe the ancient Practice of the *Britiſh* Churches may from hence be gathered; which we may juſtly preſume was agreeable to the *Nicene Canon*. And becauſe the ſignification of the Greek word is ambiguous, we ſhall firſt ſee, what Senſe the Greek Writers do put upon it. *Balſamon* interprets καθίσασθαι by ψηφίζεσθαι which is *chuſing by Suffrage*; And he in plain terms ſaith, by this Canon, *the Right of Election was taken from the People, and given to the Biſhops of the Province*. And it is not *Balſamon* alone, as ſome imagine, that was of that Opinion, but *Zonaras*, *Ariſtenus*, *Matthæus Blaſtares*, as any one may find. But we are told, *If they are all of that mind, they are greatly miſtaken, becauſe this Council, in their Synodical Epiſtle to thoſe of* Alexandria *and* Egypt, *declare their Judgment*, (x) *That if any Biſhops deceaſe, others reconciled to the Church may be admitted in their room, if they be worthy, and the People do chuſe them*, ἢν ὁ Λαὸς αἱρῆται. One would think by this, That the *Council* of *Nice* had put this matter wholly into the *Peoples hands*, but if we look into that *Synodical Epiſtle*, we ſhall find it much otherwiſe. For the caſe was this. The Council declares their tenderneſs towards thoſe that had been made Biſhops and Prieſts in the *Meletian Schiſm*, allowing their *Orders* upon due Submiſſion, but not to exerciſe any *Juriſdiction* to the prejudice of thoſe in Poſſeſſion; But if any Biſhops died, thoſe *Meletian Biſhops* might ſucceed, but with theſe three Proviſoes. (1.) *That they be judged worthy*; By whom? By the People? No certainly, For then there had been no need of the following Clauſe, but this Judgment belonged to the *Biſhops* of the *Province*, according to this *Canon*. (2.) *If the People chuſe them?* What People? The *Meletian party?* No; They are excluded, becauſe of their being in *Schiſm*, from having any thing to doe in the Choice, altho' they were admitted to *Communion*. For they are forbidden before προχειρίζεσθαι ἢ ὑποβάλλειν ὀνόματα, *to put up the Names of the Perſons to be choſen, or to hold up their hands*; And ſo all *Right* of *Suffrage* was taken from them on the account of their *Schiſm*; So that what right of choice was in the People, it was only in the ſound and untainted Party, and, after all, it was no more but a *Nomination* by the People; For the true *Right* of *Election* was ſtill in the *Biſhops*. For (3.) all this ſignified nothing without the *conſent* of the *Biſhop of Alexandria*, which immediately follows the other. And is it a fair thing to mention that *Clauſe onely* in the middle, and to leave out the

(x) Socrat. l. 1. c. 9.

the two other which reduce it to a bare *Nomination*, and the *Meletian party* excluded too? Would those who contend among us for *popular Elections* like them upon these terms? It is one thing for the *People* to *propose* or *nominate* Persons to be chosen; And another for them to have the *Right* of *Election*: And it is one thing for a Person chosen to have the *consent of the People*, and another for them to have *the Power to reject him*, because he doth not please them: And again, it is one thing for the People to be allowed to enjoy *some Privileges* till the Inconveniences of them have made them to be taken away by just Laws: And another for them to challenge such *a right as inherent* in themselves, and without which there lies no obligation on them to submit. If these things were better understood, it would allay some mens heats about these matters; For granting that in the Time of the Council of *Nice*, the People had the liberty of proposing names, or objecting against the Persons to be chosen; And although their consent were generally desired, yet all this doth not put the *Right* of *Election* in them; For all that they could do signified nothing without the Consent of the Bishops and *Metropolitane*; and none are properly said *to chuse* but those upon whose Judgment the Determination depends, the rest do but *propose* and *offer Persons* to be chosen. So that the utmost the *People* could have by this *Canon* was a *Right* of *Nomination*; Which upon Seditions and Tumults was justly alter'd: And there can be no Plea for resuming it, unless it be proved to be a *divine* and *unalterable Right*, which can never be done, nor is it so much as pretended by those who seem to court the Peoples favour, by pleading for *popular Elections* at this day from the *Precedents* of former Times.

But I will not deny the People then had a farther *Right* of *Exception* against the *Persons chosen*, but therein they were considered as *Witnesses*, and not as *Judges*: If their *Exceptions* were just and well proved, the *Bishops* as *Judges* were to proceed *canonically* against them, and then they went to a new *Nomination*, but still the Judgment rested in the *provincial Synod*. So in the 16 *Canon* in the *Council* of *Antioch* it is provided, *That although all the People chuse one actually a Bishop, yet if he takes Possession of his See without a perfect provincial Synod, the Metropolitane being present, he is to be cast out.* This *Canon* doth more fully explain the fourth *Canon* of the Council of *Nice*; for here the Case is put of the *Peoples choice*, which is there only implied: And here it is put concerning *one actually a Bishop*, and so needing no *new Consecration*, but being out of employment in his own See, by some extraordinary accident, is chosen into another by *consent of the People*. Now if the People had there the *Power* of *Election*, what hindred this *Bishop*, from being fully possessed of his Bishoprick? And yet this *Canon* determines, *that such a one was to be cast out, if he did not come in, by the full consent of the Metropolitane and a provincial Synod*; And to shew the force of this *Canon*, by virtue of it, *Bassianus* was rejected from being Bishop of *Ephesus*, by the general (y) *Council* of *Chalcedon*, where 630 Bishops are said to have been present. The Case was this, *Bassianus* was consecrated Bishop of *Euaza*, by *Memnon* Bishop of *Ephesus*, but it was against his Will, and he never went thither. *Basilius*, who succeeded *Memnon*, sends another Bishop to that City in a provincial Synod, but leaves *Bassianus* the dignity of a Bishop; *Basilius* being dead, *Bassianus* is chosen by the *People* of *Ephesus*,

(y) *Concil. Chalced. Act.* 11.

Epheſus, and enthronized by *Olympius* without *a Provincial Synod.* But after four years, *Stephanus* is put in his room, becauſe he came not in *canonically.* The Caſe was heard at large by the Council of *Chalcedon*, and this *Canon* of *Antioch* was alledged againſt him, and ſo he was thrown out by the Council. From whence I infer; (1.) That the choice of the People at that time was not allowed, but the main force of *Election* lay in the *Provincial Synod.* And ſo *Maximus* Biſhop of *Antioch*, *Julianus Coenſis*, *Diogenes Cyzicenſis* declare that it belonged to the Biſhops of the Province to appoint a new Biſhop, as being moſt competent Judges, and this was the way to prevent diſorder in the City. (2.) That the Biſhops *appointing* was not mere *ordaining* or *conſecrating*, as ſome ſay. For this *Canon* of *Antioch* ſpeaks of a Biſhop already conſecrated, and ſo likewiſe the 12 *Canon* of *Laodicea* is to be underſtood; The ſame caſe being ſuppoſed which is mention'd in the *Canon* of *Antioch.* And if he were unconſecrated before, the *Loadicean Canon* refers the whole matter, as far as I can diſcern, as to the Capacity and fitneſs of the Perſon, *to the Provincial Synod.* And if the following *Canon* 13. be underſtood of *Biſhops*, the Conſequence will be, that the People will be wholly excluded from their Election, till it can be made appear, that at that time the generality of the People were ſhut out, and the Election reſtrained to the *Common Council*; which is contrary to the *Examples* brought for *Popular Elections*, as appears by the inſtance of *Alexandria* in the choice of *Athanaſius*, where the *whole multitude* is mention'd, and the *Suffrages* of the *whole People*, and afterwards the *Plebis Vulgique Judicium* in St. *Jerom*, the *Vota Civium* in *Leo* is as much ſpoken of as the *Honoratorum Arbitrium*; and by the ſame reaſon, any of the People may be excluded, the reſt may; or at leaſt it ſhews, that the People have no inherent and unalterable Right, without which all other Pretences ſignifie nothing, where Law and Cuſtoms have determined the contrary. And that the Cuſtoms even then differ'd appears from St. *Jerom ad Ruſticum*, where he mentions either the People or the Biſhop chuſing.

(2.) Another *Canon* is, about *the frequency of Provincial Synods.* For in the fifth *Canon*, it is Provided, *That no perſon excommunicated by one Biſhop, ſhould be received into Communion by another*; according to the Council of *Arles*, but then no Proviſion was made for the Caſe of *Appeals*; If any Perſon complain'd, that he was unjuſtly excommunicated, which it is natural for men to do. For this purpoſe, the *Nicene* Council decrees, *That Provincial Synods be held twice a year, in Lent and Autumn*, which was confirmed by many other (z) *Canons.* And at theſe all ſuch Cauſes were to be heard and determined, and Perſons excommunicated were to be held ſo by all, unleſs *the Provincial Synod* repealed the Sentence. And although the caſe of *Biſhops* be not here mention'd; Yet the *African Fathers* with great reaſon ſaid, it ought to be underſtood, *Since Cauſes are to be heard within the Province*, and no *Juriſdiction* is mention'd by the Council of *Nice*, beyond that of a *Metropolitane*, thoſe only excepted whoſe *Rights* are ſecured according to the *Preſcription* then in uſe in the following *Canon.* For if any other ſuperiour Authority had then been known, that was the proper place to have inſerted it, where the *right* of *Appeal* is determin'd, that being the moſt plauſible Pretence for removing Cauſes to a ſuperiour Court. And it is impoſſible that the *Nicene Fathers* ſhould have ſtopt at *Provincial Synods*, if they had known or believed, that *Chriſt* had appointed

(z) Concil. *Antioch. cap.* 20. *Chalced. c.* 19. *African. c.* 62. *Regienſ. c.* 7. *Araſſ. c.* 19. *Agath. c.* 71. *Emerit. c.* 7. Ferrand. *tit.* 143. Mart. Bracar. *tit.* 28. Innocent. *ad* Vict. Leo *ad* Anaſtaſ. Hincmar. *ep.* 47. *c.* 20.

appointed a *Vicar* upon Earth, who was to be *Supreme Judge* in all *Ecclesiastical Matters*; For it would have been as absurd as if our Judges should declare, that all Causes are to be determin'd in the *Country Courts*, when they know there are *superiour Courts of Judicature* appointed in *Westminster-hall*.

It hath been thought a matter of some difficulty to state the difference between the *Rights* of a *Patriarch* and a *Metropolitane*. But there are two things chiefly, wherein the distinction lies, viz, *a greater extent of Jurisdiction* founded on the Consecration of Metropolitane Bishops in several Provinces; and *a Power of receiving Appeals*, or, *Judicium in majoribus causis*, even after *Provincial Synods* have determined them. And since in matters of *Appeal*, there must be a stop somewhere, the only question before us is, Where the *Council* of *Nice* fixed it. I say, *in a Provincial Synod* by this *Canon*; for I am certain, it takes notice here of no *Ecclesiastical Judicatory* beyond this. In *matters of Faith*, or upon extraordinary *Occasions*, by the Summons of an Emperor, or a general Concurrence of Christian Princes a *general Council* is the *highest Court*; But in the standing and ordinary Method of Proceeding, (where there have been no *ancient Privileges* to the contrary, of which the following *Canon* is to be understood) *a Provincial Synod* is the last *Court of Appeal*, according to the *Council* of *Nice*. So that all foreign *Jurisdiction* is excluded by this *Canon*; And the *British Churches* had a full Power within themselves to end all Causes that did arise within their own *Provinces*. And it was mere usurpation in any *Foreign Bishops* to interpose in any differences in the *British Churches*, Because the *Council* of *Nice* had circumscribed the *Liberty* of *Appeals* to *Provincial Synods*. And this was it which made the *African Fathers* so stout in defence of their *just Rights*, against the manifest incroachments of the *Bishop of Rome*; and the *British Churches* had as great *Privileges* and as *just Rights* in these matters as the *African Churches*.

(3.) About settling the ancient *Bounds* of *Jurisdiction* as to *Patriarchal Churches* in the famous sixth *Canon*. Which hath been the occasion of so many warm Debates. In the former *Canon*, the *Nicene Fathers* fixed the general *Right* of *Appeals*; And in this *Canon* they settle the particular Bounds of *Patriarchal Jurisdiction*, according to *ancient Custom*: So that none ought to violate the *Privileges* which Churches had hitherto enjoy'd. The Words are, "Let ancient Customs prevail, for the Bishop of *Alexandria* to have Jurisdiction over "*Egypt*, *Libya* and *Pentapolis*; Because the *Bishop* of *Rome* hath a like "Custom; Likewise in *Antioch*, and other *Provines*, let the *Privileges* of *Churches* be preserved; Let no man be made a Bishop without the consent of his *Metropolitane*. If Differences arise, let the "Majority of Votes determine. In this *Canon* there are three things principally design'd. (1.) To confirm the *ancient Privileges* of some of the greater *Sees*; as *Rome*, *Alexandria* and *Antioch*. (2.) To secure *the Privileges* of *other Churches* against their encroachments upon them. (3.) To provide for the quiet establishment of *Metropolitane Churches*, which last is so plain that it will need no farther discourse; But the other two are of great consequence to our design. (1.) *To confirm the ancient Privileges of some of the greater Sees*; which had gotten the extent of more than a bare *Metropolitane Power* to themselves, as is plain in the case of *Alexandria*, which seems to have been the occasion of this *Canon*. Not merely from the *Schism* of *Meletius* (as is commonly thought)

thought) which the Council took care of another way, in the (a) *Synodical Epiſtle* to the *Churches of Egypt*. But becauſe ſo large a Juriſdiction as had been exerciſed by the Biſhops of *Alexandria*, and *Rome*, and *Antioch*, ſeem'd repugnant to the foregoing *Canon* about *Provincial Synods*. It is true that *Meletius* after the *Schiſm* did conſecrate Biſhops in *Egypt*, in oppoſition to the Biſhop of *Alexandria*; But the queſtion between them was, not concerning the Bounds of Juriſdiction, but about the Validity of *Meletius* his depoſition by *Peter* of *Alexandria*; Which *Meletius*, not regarding, fell into a *Schiſm*, and, to maintain this *Schiſm*, he conſecrated near *Thirty Biſhops*, as appear'd by the liſt he gave in to *Alexander*, after the Council of *Nice* extant in (b) *Athanaſius*. Whereby it is evident, That *Meletius* his *Schiſm* could not be the Occaſion of this *Canon*; For that *Schiſm* did not at all relate to the ſeveral *Provinces* of *Egypt* here mention'd, which would have continued, if the Biſhop of *Alexandria*'s Authority had been confined to a *ſingular Province*, and what ſtop could it put to the *Schiſm*, to ſay, his Authority extended over all the *Roman Provinces in Egypt*? For, the queſtion was, Who had the Authority? not, How far it extended? But, upon the former *Canon* about *Provincial Synods*, there was a very juſt occaſion, to add this concerning the Biſhops of *Alexandria* and *Rome*: For if no *Salvo* had been made for them, as to the largeneſs of their *Juriſdiction*, the next thing had been for all the *provincial Synods* to have immediately caſt off all reſpect to them; except only thoſe of their own *Province*. Now in *Egypt* here are three diſtinct Provinces mention'd as ſubject to the Biſhop of *Alexandria*, viz. *Egypt*, *Libya* and *Pentapolis*; And ſo the *Nicene* Fathers reckon them in their Epiſtle to the Churches of *Egypt*, and in theſe (c) *Athanaſius* mentions *an hundred Biſhops*; But ſometimes he names only *Egypt* and *Libya*, as in his *Epiſtle* to the *African Biſhops*; ſometimes *Egypt*, and the *two Libya*'s; and in both comprehending *Thebais* under *Egypt*; and ſometimes he names *Thebais*; and ſeveral times, as it is here, only *Egypt*, *Libya* and *Pentapolis*. Which, as *Juſtellus* ſaith, comprehend *the whole* Egyptian *Dioceſe*; But (d) *Ammianus Marcellinus* reckons them otherwiſe, *viz. Egypt*, *Thebais* and *Libya*, to which Poſterity, he ſaith, added *Auguſtamnica* and *Pentapolis*: But *Pentapolis* was not comprehended under *Libya*, being always a diſtinct *Province*, and by the Diviſion of *Auguſtus*, was under the *Proconſul* of *Crete*, by the Name *of Cyrenaica*. However (e) *Epiphanius* takes in *Libya*, *Pentapolis*, *Thebais*, *Ammoniaca* and *Marcotis*: And ſaith plainly, *That all the Provinces of* Egypt *were under the Juriſdiction of the Biſhop of* Alexandria. *And this*, he ſaith, *was the Cuſtom before the Council of* Nice. For he ſpeaks of the quarrel between *Peter*, Biſhop of *Alexandria*, and *Meletius*, then Biſhop of *Thebais*; of whom he ſaith, *That he was next to the Biſhop of* Alexandria, *but in ſubjection to him, all Eccleſiaſtical matters being referred to him. For it is the Cuſtom for the Biſhop of* Alexandria *to have the Eccleſiaſtical Juriſdiction over all* Egypt. By which it is plain, that the Biſhop of *Alexandria* had then a true *Patriarchal power* by *ancient Cuſtom*, *i. e.* an Eccleſiaſtical Authority over the Biſhops in *ſeveral Provinces*, anſwering to the Power which the *Præfectus Auguſtalis* had over them in the *Civil Government*. It is not at all material whether the name of *Patriarch* or *Dioceſe* (in that ſenſe as it takes in the extent of *Patriarchal Juriſdiction*) were then in uſe, for it is the *thing* we enquire after, and not the uſe of *words*: And if the Biſhop of *Alexandria* had at that time the Power of *Conſecration* of *Biſhops*, of *calling*

(a) Theodor. *l.* 1. *c.* 9.

(b) Athanaſ. *Apol.* 2. *p.* 789.

Vide Athanaſ. *ib. p.* 777.

(c) Athanaſ. *Apol.* 2. *p.* 788.

(d) Am Marcel. *l.* 22. *c.* 16.

(e) Epiph. *hær.* 68. *n.* 1.

ling Councils, of *receiving Appeals* throughout *all Egypt*, no men of Sense can deny, that he had a *true Patriarchal Power*. I grant *he had no Metropolitanes then under him in the several Provinces*. But, what then? the manner of *Administration* of the *Patriarchal power* might be different then, from following times; but the *extent of the power* is the thing in question. Either then the Bishop of *Alexandria* had a barely *Metropolitical power* or *Patriarchal*. If barely *Metropolitical*, then it could not reach beyond *one Province*; If it extended to *more Provinces*, with *full Jurisdiction*, then it was *Patriarchal*. And it is a wonder to me, some learned men in their warm Debates about this Canon could not discern so plain a Truth. But it is often said, *That there were no such things as Patriarchs at this time in the Church, nor any Dioceses here taken notice of, as they imply an Union of several Provinces under a Patriarchal Jurisdiction.* Suppose there were not under those *Names*; but a *Jurisdiction over several Provinces* there was in the Bishop of *Alexandria*: Which is a true *Patriarchal power*; and *Appeals* were brought to him out of the several *Provinces*, as appears not only by the plain Testimony of *Epiphanius* in the case of *Meletius*, but by the *Jurisdiction* exercised by *Dionysius* over *Pentapolis*, long before the *Council* of *Nice*. And (*f*) *Athanasius* saith, *The Care of those Churches then belong'd to the Bishop of* Alexandria. If it be said, *That there were then no Metropolitanes under the Bishop of* Alexandria, *but he was the sole Metropolitane, and therefore this was no Patriarchal, but a Metropolitane power.* I answer, (1.) This doth not solve the difficulty, but rather makes it greater; because it doth more overthrow the *Metropolitane* Government of the *Church* here settled by the Council of *Nice*. For then there were several *Provinces* without *Metropolitanes*; How then could the *Canons* here made be ever observed in them, as to the Consecration of *Bishops* and *Provincial Synods*? (2.) I do confess there was something peculiar in the case of the Bishop of *Alexandria*. For all the *Provinces of Egypt* were under his immediate care, which was *Patriarchal* as to *Extent*, but *Metropolitical* in the *Administration*. And so was the *Jurisdiction* of the Bishop of *Rome* at that time, which is the true reason of bringing the Custom of *Rome* to justifie that of *Alexandria*. For as it is well observed by (*g*) *Christianus Lupus*, *The Bishop of* Rome *had then no Metropolitanes under him within the Provinces subject to his Jurisdiction*; and so all *Appeals* lay immediately from the several Bishops to him. And therein lay the exact parallel between the Bishops of *Rome* and *Alexandria*. So that, I do not question, but the first part of this *Canon*, was brought in as a *Proviso* to the former, which put the last resort into *Provincial Synods*. For *Alexander*, Bishop of *Alexandria*, could not but think himself extremely concerned in this matter, and although he prevailed against *Arius* in matter of *Doctrine*, yet if he had gone home so much less than he came thither, having great part of his *Authority* taken from him by *Provincial Synods*, this would have weakned his Cause so much in *Egypt*, that for his sake the *Nicene* Fathers were willing to make an *Exception* as to the general Rule they had laid down before; Which proved of very ill consequence afterwards: For upon this encouragement, others in following *Councils* obtained as large *Privileges*, though without pretence of *Custom*; and the Church of *Rome*, though but named *occasionally* here, to avoid envy, yet improved this to the utmost advantage; And the Agents of the Bishop of *Rome* had the impudence in the (*h*) Council of *Chalcedon* to falsifie the *Title* of this *Canon*, and to pretend

(*f*) Athanas. *de sent.* Dionys. p. 552.

(*g*) Lup. *in Canon.* Part. 5. p. 808.

(*h*) *Concil. Chalced. Act.* 16.

a *Supremacy* owned by it, which was as far from the intention of this *Council* as a limited *Patriarch* is from being *Head of the Church*. And it is impoſſible for them with all their *Arts* and Diſtinctions they have uſed, to reconcile this *Canon* with an univerſal and undoubted *Supremacy* in the Biſhop of that Church. For it would be like the ſaying that the *Sheriff* of *Yorkſhire* ſhall have *Juriſdiction* over all three *Ridings*, becauſe the *King* of *England* hath power over all the *Nation*. What *Parallel* is there between theſe two? But if the Clauſe be reſtrained to his *Patriarchal power*; then we are certain the Council of *Nice* did ſuppoſe the Biſhop of *Rome* to have only a *limited power* within *certain Provinces*; Which according to *Ruffinus*, who very well underſtood the *Extent* of the Biſhop of *Rome*'s *Juriſdiction*, was only to the *Suburbicary Churches*; Which is the *greater Dioceſe* mention'd by the *Council of Arles*, it ſo very much exceeding the *Dioceſe* of any Weſtern Biſhop beſides; And it is obſervable, that (*i*) *Athanaſius*, as he calls *Milan* the *Metropolis* of *Italy*, *i. e.* of the *Italick Dioceſe*, ſo he calls *Rome* the *Metropolis* of *Romania*, *i. e.* of the *Roman Dioceſe*. But the Council of *Nice* fixing the laſt *Appeal* to *Provincial Synods* in other Places, utterly overthrows a *patriarchal* as well as unlimited *Juriſdiction*; where *ancient Cuſtom* did not then prevail.

(*i*) Athanaſ. *ad ſolit. vit. agent.* p. 832.

(2.) This *Canon* was deſigned to *ſecure* the *Privileges* of other *Churches*. For that is the general nature of *Exceptions* to make the Rule more firm in caſes not excepted. So that all *Churches* are to enjoy their *juſt Rights* of having the laſt reſort to *Provincial Synods*, that cannot be brought within theſe Exceptions allow'd by the Council of *Nice*. And here we fix our *Right* as to the *Britiſh Churches*, that they were not under any *Patriarchal Juriſdiction* of the Biſhop of *Rome* before the Council of *Nice*, *i. e.* That he never had the Authority to conſecrate the *Metropolitanes* or *Biſhops* of theſe *Provinces*; That he never called them to his *Councils* at *Rome*; That he had no *Appeals* from hence; That the *Britiſh Biſhops* never owned his *Juriſdiction* over them, and therefore our *Churches* were ſtill to enjoy their former *Privileges* of being govern'd by their own *Provincial Synods*. It was upon this ground, the *Cyprian Biſhops* made their *Application* to the *Council* of *Epheſus*; Becauſe the Biſhop of *Antioch* did invade their *Privileges* contrary to the *Nicene Canons* pretending to a Right to *conſecrate* their *Metropolitane*, which they knew very well was a deſign to bring their Churches in ſubjection to him. The *Council* upon hearing the Cauſe declared their opinion in favour of the *Cyprian Privilege*; and not only ſo, but declared it to be *a common Cauſe that concerned other Churches which were bound to maintain their own Rights againſt all Uſurpations*; *And that no Biſhops ſhould preſume to invade anothers Province*; *And if they did uſurp any authority over them, they were bound to lay it down, as being contrary to the Canons*; *Savouring of Worldly ambition*; *and deſtructive of that Liberty which* Jeſus Chriſt *hath purchaſed for us with his own Bloud*. And therefore the Council decreed, *That every Province ſhould enjoy its own Rights pure and inviolable, which it had from the beginning, according to the ancient Cuſtom*. This important Canon is paſſed over very ſlightly by *Baronius* and others, but (*k*) Carolus *à Sancto* Paulo *ſaith it proceeded upon a falſe ſuggeſtion*, although the Biſhops of *Cyprus* do moſt ſolemnly avow the truth of their ancient Privilege. (*l*) Chriſtianus Lupus *imputes the Decree to the Partiality of the Council againſt the Biſhop of* Antioch; although he confeſſes, they inſiſted upon the *Nicene Canons*. Which even (*m*) Leo I. in his eager Diſputes with *Anatolius* Biſhop of *Conſtantinople* pleads for

(*k*) *Geograph. Sacr. Patriarch. Antiochen.*

(*l*) Lupus *in Can. Epheſ.* p. 368.

(*m*) *Leo Epiſt.* 78. 79, 80. *ed. Nov.*

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as *inviolable*, and as the *Standard* of the *Rights of Churches*. And by the Decree of the Council of *Ephesus*, all Churches are bound to stand up for their own Rights against the Usurpations of foreign Bishops.

But (*n*) *Joh. Morinus* apprehending the force of this consequence, makes it his business to overthrow it, by shewing *that this was a particular and occasional thing, and therefore not to be made an Example to other Churches.* A two fold *occasion* he assigns; First, *the difficulty of passage by Sea from* Cyprus *to* Antioch, *especially in Winter, when it was very possible a Metropolitane might die, and rather than live so long without one, they chose to set up one themselves*; *Another is the forty years Schism in the Church of* Antioch, *between* Euzoius, Meletius *and* Paulinus. But these are onely slight and frivolous Evasions. For the *Cyprian Bishops* never alledged the first Inconveniency, nor did the Bishop of *Antioch* the second: No, not when *Alexander* was unanimously chosen, as *Morinus* confesseth, and made his Complaint of the *Cyprian Privilege* to *Innocentius* I. as may be seen by his 18 *Epistle*; To whom the Pope gave an ignorant Answer, as appears by *Morinus* himself: For he pretends *that the* Cyprian Bishops *had broken the* Nicene Canons, *in consecrating their own Metropolitane, because*, saith he, *The Council of* Nice *had set the Church of* Antioch, *not over any Province, but over the Dioceſe*; By which he must mean the *Eastern Dioceſe*, within which *Cyprus* was comprehended: But there is not one word of the *Dioceſe* in the *Nicene Canons*, and these things are referr'd to *ancient Customs*, as *Morinus* acknowledgeth; And he saith, *the Dioceſe of the Orient, as distinguished from* Asiana *and* Pontica *was not settled at the Time of the* Nicene *Council*. And yet he brings the Testimony of *Innocentius* to disprove the Allegation of the *Cyprian Bishops*; when he confesses, *that he was so mistaken in the* Nicene Canons, on which he grounds that *Right*; And the *Cyprian Bishops* had the *Nicene Canons* to plead for themselves, as the general Council of *Ephesus* thought, who understood them far better than *Innocentius* seems to have done. If what he saith had been true, it is not to be thought that the Council of *Ephesus* would have determin'd in favour of the *Cyprian Bishops*. But *Morinus* urges against them, (1.) *That they named onely three Bishops*, Troilus, Sabinus *and* Epiphanius. But do they not aver that it had been always so *from the Apostles time?* (2.) *That no one pleaded for the Bishop of* Antioch. What then? If they were satisfied of the truth of their Allegation, the *Nicene Council*, had already determin'd the case. (3.) *They only do it conditionally, if it were so:* But they enjoy'd their Privilege by virtue of it; which shews it could not be disproved. (4.) *The* Cyprian Privilege *was granted in* Zeno's *Time, upon finding the Body of St.* Barnabas. But it is evident they enjoy'd it before; by *the Decree of the Council of* Ephesus. And it was not properly a *Privilege*; For that implies a particular exemption; But it was a Confirmation of their *just Rights*: and not onely as to them, but as to *all provincial Churches*. So that this Decree is the *Magna Charta* of *Metropolitane Churches*, against any Incroachments upon their *Liberties*: And so the *Council* thought it, when *it appoints all Metropolitanes to take Copies of it, and voids all Acts that should be made against it.*

(*n*) Morinus *Exercit. Eccles. l.* c. 4.

It is necessary now to enquire, whether the Bishop of *Rome* had a *patriarchal Power* over the *British Churches*, before the *Council of Nice*: And the onely way to doe that, is to examine the several *patriarchal*

Rights which were allowed in the Church. And if the Marks of none of them do appear; We have reaſon to conclude, he had no *patriarchal Power*. For however ſome urge the Converſion of *Britain* by *Eleutherius* as a Pretence to the Biſhop of *Rome*'s Authority, yet, allowing it to be true, no man of underſtanding can pretend to derive a *patriarchal Power* from thence, unleſs there were a concurrence of *Juriſdiction* from that time. Neither were it of force, if Saint *Peter* himſelf had preached the Goſpel here; and ſettled the Biſhops of theſe Churches. For, by the ſame reaſon, there could have been no *Patriarchates* at *Antioch* or *Alexandria*, (where he is ſuppoſed to have placed Saint *Mark*) but if notwithſtanding, the Biſhops of thoſe Churches had a true *patriarchal Power*; Then ſo might the *Metropolitanes* of the *Britiſh Churches* have their proper Rights. Although St. *Peter* himſelf had founded theſe Churches. (*o*) *Morinus* ſaith, *The patriarchal Power conſiſted in theſe four things.* (1.) *In the Conſecration of Metropolitanes, and the Confirmation of other Biſhops.* (2.) *In calling Councils out of the ſeveral Provinces under his Juriſdiction.* (3.) *In receiving Appeals from provincial Synods.* (4.) *In the Delegation of perſons with authority from him to act in the ſeveral Provinces.* The firſt is that upon which the reſt are founded: As we ſee in the caſe of the Biſhop of *Antioch* and the Biſhops of *Cyprus*; For if he could have carried the Point of *Conſecration* of the Biſhop of *Conſtance*, he knew all the reſt would follow. In the *Patriarchate* of *Alexandria* it appears by the *Epiſtles* of (*p*) *Syneſius*, *That the Biſhops of* Pentapolis, *although then under a Metropolitane of their own, yet had their Conſecration from the Biſhop of* Alexandria. When *Juſtinian* advanced the Biſhop of *Juſtiniana prima* to the dignity of a *Patriarch*, *by giving him power over ſeven Provinces*, he (*q*) expreſſes the *patriarchal Power* by this; *That all the Biſhops of thoſe Provinces ſhould be conſecrated by him*, and conſequently be under his Juriſdiction, and be liable to be called to his Council, as *Juſtinian* elſe-where determines: And when the (*r*) Biſhop of *Juſtinianopolis* removed from *Cyprus* thither, he not onely enjoy'd the *Cyprian privilege* there, but was allow'd for a Patriarch by the Council in *Trullo*, and conſequently, the *Conſecration* of the Biſhops in the Province of *Helleſpont* belong'd to him.

(*o*) Morin. *Exercit. Eccleſ. l.* 1. *c.* 29.

(*p*) Syneſ. *Epiſt.* 67, 76.

(*q*) *Novell.* 131. *c.* 3.

(*r*) *Novell.* 123. & 137.

And when the patriarchal Power was ſettled at *Conſtantinople*, that was the chief thing inſiſted upon, at leaſt as to *Metropolitanes*. The firſt attempt the Biſhop of *Conſtantinople* made towards any true patriarchal Power (for all that the (*s*) Council of *Conſtantinople* gave him was a mere honorary Title) was the *conſecrating Biſhops* in the Dioceſes of *Aſiana*, and *Pontica*, and *Thracia*: And this was charged on St. *Chryſoſtome* as an Innovation in the Synod (*t*) *ad Quercum*, i. e. in the *Suburbs of Chalcedon*. And his (*u*) actings in the Council at *Epheſus*, and *Conſecrating* of many Biſhops in that *Dioceſe*, could not be juſtified by the *Canons* of the Church: The beſt excuſe is what (*w*) *Palladius* makes, viz. *That his going into* Aſia, *was upon the great importunity of the Biſhops and Clergy there*: For what (*x*) *Morinus* ſaith, *That he did this by the Pope's Authority*, is ridiculous; It being not once thought of by St. *Chryſoſtome* or his Friends. And for a Biſhop of *Conſtantinople* to act by Authority from the Biſhop of *Rome*, was then as abſurd, as for the *Czar* of *Muſcovy* to act by *Commiſſion* from the Emperour of *Germany*. For it is plain, That one ſtood upon equal Privileges with the other; As fully appears by the Council of

(*s*) *Concil. Conſt. c.* 3.

(*t*) Phot. *Biblioth. Cod.* 59.

(*u*) Soz. *l.* 8. *c.* 6.

(*w*) Pallad. *vit.* Chryſ. *p.* 133.

(*x*) Morin. *Exercit. Eccleſ. l.* 1. *c.* 14.

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Chalcedon, and the warm Debates which follow'd it, between the two *Sees*. And what could have serv'd *Leo*'s turn better against *Anatolius*, than to have produced St. *Chrysostome*'s *Delegation* from one of his Predecessours? But in the Council of *Chalcedon*, where the *Right* of the *Patriarch* of *Constantinople* was at large debated, this Act of St. *Chrysostome* was alledged as a remarkable Precedent to prove a *patriarchal Power*: And there (*y*) a *Canon* was passed, *That the Metropolitanes of those three Dioceses should be consecrated by the Bishop of* Constantinople, which was the establishment of his *patriarchal Authority* over them. Upon this Pope *Leo* insisted on the *Council* of *Nice* and the *Canons* there made, and pleaded strongly, *That this was an unjust Invasion of the Rights of those Churches which ought to be inviolably preserved.* And we desire no better Arguments against the Pope's pretended *patriarchal Power* over these *Western Churches*, than what *Leo* insisted on for the *Dioceses* of *Asia*, *Pontus* and *Thrace*, against the *patriarchal Power* of the Bishop of *Constantinople*. For we plead the very same things; That all Churches ought to enjoy the *Rights* of *provincial Synods*: And that no Person can be excused in violating the *Nicene Canons*. But if it be pretended, *That the Bishop of* Rome *had always a patriarchal Power over the* British *Churches*; Let any one Instance be given of it: Let them tell us when he *consecrated the Metropolitanes or Bishops of the three Provinces of* Britain; or *summon'd them to his Councils*; or *heard their Causes*; or *received Appeals from hence*; or *so much as sent any one Legate to exercise Authority in his Name*; And if they can produce nothing of this kind, there is not then the least appearance of his *patriarchal Power*.

(*y*) *Concil. Chalced. c.* 28.

We do not deny that the Bishop of *Rome* had any *patriarchal Power* in those times; But we say, It was confined within the *Roman Diocese*; As that did comprehend the *Churches* within the *Suburbicary Provinces*; And within these he exercised the same Authority that the *Eastern Patriarchs* did, *i. e. He consecrated Bishops, called Synods* and *received Appeals*, which are the main *patriarchal Rights*. But if we go beyond these *Provinces*, (*z*) *Petrus de Marca* himself is extremely put to it to prove the Exercise of a patriarchal Power; He confesses *the matter is not clear either as to Consecrations or Councils*, but he runs to *References*, *Consultations* and *Appeals in greater causes*; And yet he (*a*) confesses, as to *Appeals* (which onely do imply a just Authority) *There is no one certain evidence of them before the Council of* Sardica. So that by the confession of the most learned and judicious of those who plead for the Pope's being *Patriarch of the West*; No proper *Acts* of *patriarchal Power* can be proved beyond the *Roman Diocese*, before the *Council of Nice*. And the same (*b*) learned Archbishop doth grant, *that the Bishop of* Rome *did not consecrate even in* Italy *out of the* Roman Diocese, *as appears by the Bishops of* Milan *and* Aquileia; *Nor in* Africa, *nor in* Spain, *nor in* Gaul. And, after these *Concessions*, it is impossible to prove the Bishop of *Rome* Patriarch of the Western *Churches*. Which some late Writers of that Church have been much concerned at, and have endeavour'd to shew the contrary. (*c*) *Christianus Lupus* hath written a *Dissertation* on purpose; But the greatest thing he saith to prove it is, *That to affirm, that the Bishop of* Rome *had no such Authority, is an* Eusebian *and Schismatical Errour, and came first from the Council of* Philippopolis; yet he grants, *That in the Western Provinces, the Metropolitanes did consecrate their Suffragans, and they their*

(*z*) Pet. de Marca *de Concord. l.* 1. *c.* 7. *n.* 7.

(*a*) *Id. c.* 10. *n.* 1.

(*b*) *L.* 6. *c.* 4. *n.* 6, 7, 8, 9.

(*c*) Lup. *in Canon. Part.* 5. *p.* 764. *p.* 790.

their Metropolitanes. But all this, he ſaith, *was done by ſpecial priv'lege.* But where is any ſuch *privilege* to be ſeen? It is evident by the *Nicene Canons*, every *Province* had its own juſt Rights for theſe things. And if there were any *privilege*, it muſt be produced on the other ſide. He doth not deny, *That* (*d*) Leo *diſown'd having any thing to due in the Conſecration of the* Gallican *Biſhops*, in his *Epiſtle* to the *Biſhops of Vienna*, or that (*e*) *Hincmarus* ſaith, *The* Tranſalpine *Biſhops did not belong to the Conſecration or Councils of the Biſhop of* Rome. And therefore Eccleſiaſtical Cauſes were to be heard and determin'd by *provincial Synods*: But he thinks to bring off all at laſt, by ſaying, (*f*) *That theſe were privileges indulged, becauſe of diſtance from* Rome. Which is a mere Shuffle, without any colour for it, unleſs ſuch *privileges* could be produced, for otherwiſe it will appear to be *common Right*. And yet this is the main, which a late Authour, (*g*) *Emanuel à Schelſtraet* hath to ſay about this matter. But this hath been the common Artifice of *Rome*; Where any Biſhops inſiſted on their own Rights and ancient Cuſtoms, and Canons of Councils, to pretend that all came from *privileges* allow'd by the *See* of *Rome*; And the Defenders of it are now ſhamefully driven to theſe Arts, having nothing elſe left to plead for the Pope's Uſurpation. But this laſt (*h*) Author (the preſent Keeper of the *Vatican Library*, which makes ſo great a noiſe in the World for Church Records) having endeavour'd, in a ſet Diſcourſe, to aſſert the *Pope's patriarchal Power over the Weſtern Churches*, I ſhall here examine the ſtrength of all that he produceth to that purpoſe. He agrees with us in determining the *patriarchal Rights*, which he ſaith lie in theſe three things: (1.) *In the Right of Conſecration of Biſhops and Metropolitanes.* (2.) *In the Right of ſummoning them to Councils.* (3.) *In the Right of Appeals.* All which he proves to be the juſt and true *patriarchal Rights* from the ſeventeenth *Canon* of the eighth *General Council*. And by theſe we are contented to ſtand or fall.

(*d*) Leo. *Ep.* 89. *c.* 8.

(*e*) Hincmar. *Ep.* 47. *c.* 21.

(*f*) Lup. *ib. p.* 813

(*g*) *Concil. Antioch. Can.* 9. *cap.* 14. *p.* 473.

(*h*) *Antiquit. illuſtr. Diſſert.* 2.

p. 94. (1.) As to the *Right* of *Conſecration of Biſhops and Metropolitanes throughout the Weſtern Churches.* He confeſſes, *That ſuch a Right was not exerciſed, Becauſe the Metropolitanes in the ſeveral Provinces were allow'd to conſecrate the Biſhops belonging to them, upon the Summons of the provincial Synod*; And for this he produces *the fourth Canon of the Council of* Nice. Here then is a plain allowance of the *Metropolitane Rights* by this *General Council*; But how doth this prove the *Patriarchal?* Or rather, is it not a plain derogation from them? *No*, ſaith he, *The patriarchal Rights are preſerved by the ſixth Canon.* I grant it; But then it muſt be proved, That the *patriarchal Rights* of the Biſhop of *Rome*, did at the time of the Council of *Nice* extend to all the Weſtern *Churches*, which I utterly deny. Yet I grant farther, That the Biſhop of *Rome* had all the *patriarchal Rights*, within the *Provinces*, which were then under his *Juriſdiction*, and were therefore called the *Suburbicary Churches.* But theſe were ſo far from taking in all the Weſtern *Churches*, that they did not comprehend the *Provinces* of *Italy* properly ſo called: But he offers to prove out of *Gratian*, and from the Teſtimony of *Pelagius*, Biſhop of *Rome*, *That by reaſon of the length of the way, the Biſhops of* Milan *and* Aquileia *did conſecrate each other.* But is ſuch Authority ſufficient to prove that the Biſhops of *Milan* and *Aquileia* were of old ſubject to the *Roman Patriarchate?* We have nothing to prove this, but the bare word of one who was too much con-

n. 96.

cerned

cerned to be a competent Witneſs; and too much alone to be a ſufficient Witneſs in this matter. The length and difficulty of the way was no hindrance afterwards for obtaining the Pope's conſent for the *Conſecration* of the Biſhop of *Milan*, as appears by the Inſtance of *Gregory* produced by him; Why then ſhould that be alledged as the *Reaſon* before? For the Ways were not one jot ſhorter or eaſier to paſs. But if we compare the *Election* and *Conſecration* of St. *Ambroſe* at *Milan*, with that of *Deusdedit* in St. *Gregory*'s Time; We ſhall ſee an apparent difference in the Circumſtances of them. For at the firſt there was a *provincial Synod* by the Emperour's appointment, as (*i*) *Theodoret* relates it, who referr'd the choice to the Emperour; But he declining it, and the City falling into great heats about it, St. *Ambroſe* was of a ſudden choſen, being then *Governour* of the *Province*, and ſo was Inthronized, by the Biſhops there preſent. Not one word here of the conſent of the Biſhop of *Rome* required, or ſo much as mention'd; And yet Pope *Damaſus* was as ready to aſſert any thing that looked like a *Right* of his *See*, as *Pelagius* or *Gregory*. But at that time St. *Ambroſe*, at *Milan*, had as great Authority as *Damaſus* at *Rome*; And the *Italick Dioceſe* was as conſiderable as the *Roman*. If *the length and difficulty of the Way* were the true Reaſon why St. *Ambroſe* did not go to *Rome*; yet why no Meſſenger ſent? Why no Agent from the Pope to declare his conſent? But then the Extent of the *Roman Dioceſe* was better underſtood, wherein all the Biſhops were to receive Conſecration from the Biſhop of *Rome*, having no *Metropolitane* of their own; But this did not reach ſo far as *Milan*. This *Roman Dioceſe* was truly *patriarchal*, having *ſeveral Provinces* under it, and was therein peculiar and made a Precedent for the Biſhop of *Alexandria*, all the other Weſtern *Churches* being then govern'd by their ſeveral Biſhops and Metropolitanes. (*k*) *Jac. Leſchaſſier* thinks *that five of the eleven Provinces of* Italy *made up this Dioceſe*; I mean the Provinces of *Auguſtus*, and not of *Conſtantine*; *And within theſe were about ſeventy Biſhops who belonged to the Conſecration of the Biſhop of* Rome, *having no other Metropolitane*; *And with this*, as he obſerves, *the old* Notitia *of the* Vatican, *produced by* (*l*) Baronius, *agrees*; wherein the *Suffragans* of the Biſhop of *Rome* are ſaid to be the Biſhops of *Campania*, the *Marſi*, *Tuſcia*, *Umbria* and *Marchia*: Which *Notitia* is the ſame with the *Provinciale Romanum*, publiſhed by (*m*) *Miræus*, and compared by him with four *MSS.* wherein are ſet down all the Biſhops of the *Roman Province*, as it is there called. (*n*) *Ferd. Ughellus* reckons up *ſeventy Biſhops of thoſe who were immediately under the Biſhop of* Rome's *Juriſdiction, and had no Metropolitane over them*; Theſe were within the Provinces of *Latium*, *Valeria*, *Tuſcia*, *Picenum* and *Umbria*; which neither anſwering exactly to the *Juriſdiction* of the *Roman Prefect*, nor to that of the *Vicarius Urbis*; We are not to judge of the Extent of this *Dioceſe* from that of the *Civil Government*, but from *ancient Cuſtom*, to which the Council of *Nice* doth expreſly attribute it. In the *Diurnus Romanus*, lately publiſhed by (*o*) *Garnerius* out of an ancient *Manuſcript*, there is one Title, *De Ordinatione Epiſcopi Suburbicarii à* Romano *Pontifice*, where the whole Proceſs, as to the *Conſecration* of a new Biſhop, is ſet down, but from thence it appears, that none but the *Suburbicary Biſhops* belonged to his *Conſecration*. We freely grant then, That the Biſhop of *Rome* had a *patriarchal Power* over *ſeveral Provinces*: as the Biſhop of *Alexandria* was allowed to have

(*i*) Theod. *l.* 4. *c.* 5, 6.

(*k*) *Les Occurres de* Leſchaſſier, *p.* 454.

(*l*) Baron. *A.D. n.* 23.

(*m*) Miræ. *Notit. Epiſcop. p.* 64.

(*n*) Ughell. *Ital. Sacr. To.* 1.

(*o*) Garn. *Diurn. Rom. c.* 3. *p.* 52.

have by the Council of *Nice* in imitation of him; And that within this *Dioceſe* he did exerciſe this as a *patriarchal Right* to *conſecrate Biſhops* within thoſe ſeveral *Provinces*, as the Biſhop of *Alexandria* did: But we deny that ever the Biſhop of *Rome* did exerciſe this part of his Patriarchal power beyond the foremention'd *Provinces*.

But to prove the larger Extent of the Pope's Power as to *Conſecrations* the Epiſtle of *Siricius* to *Anyſius* Biſhop of *Theſſalonica* (*p*) is urged, *whom the Pope makes his Legate in the Part of* Illyricum, *and charges him, that no Conſecrations ſhould be allowed which were made without his conſent: And the ſame appears by the Epiſtles of* Boniface *to the Biſhops of* Theſſaly *and* Illyricum, *and of* Leo *to* Anaſtaſius. All which are publiſhed together by *Holſtenius* out of the *Barberine Library*; or rather out of his Tranſcripts by *Card. Barberine* (but (*q*) *Hieron. Alexander* cites a Paſſage out of the ſame *Collection* as in the *Vatican Library*) but from whenceſoever it came, the Objection ſeems to be the more conſiderable, becauſe, as (*r*) *Holſtenius* in his Notes obſerves, (*s*) Blondel *had denied that it could be proved by any Monument of Antiquity, That the Biſhop of* Theſſalonica *was Legate to the Pope before the time of* Leo.

(*p*) Schelſtraet. *n.* 97, *&c.*

(*q*) H. Alexander. *de Region. ſuburbic. Diſſ.* 2. *p.* 167.

(*r*) Holſten. *Not. ad Coll. Rom. p.* 295.

(*s*) *Primauté p.* 393.

But, to give a clear account of this matter, *Leo* himſelf, in his *Epiſtle* to *Anaſtaſius*, derives this Authority no higher than from *Siricius*, who gave it to *Anyſius* Biſhop of *Theſſalonica*, *certa tum primum ratione commiſit, ut per illam Provinciam poſitis, quas ad diſciplinam teneri voluit, Eccleſiis ſubveniret.* *Siricius* immediately ſucceeded *Damaſus*, who died according to (*t*) *Holſtenius*, 11 *Dec.* 384. Three years after the Council of *Conſtantinople* had advanced that *See* to the *Patriarchal dignity*; which gave great occaſion of Jealouſie and Suſpicion to the Biſhops of *Rome*, that being the *Imperial City* as well as *Rome*; And (*u*) *Socrates* obſerves, *That from that time* Nectarius *the Biſhop of* Conſtantinople, *had the Goverment of* Conſtantinople *and* Thrace, *as falling to his ſhare.* This made the Biſhops of *Rome* think it high time to look about them, and to inlarge their *Juriſdiction*, ſince the Biſhop of *New Rome* had gained ſo large an acceſſion by that *Council*; And to prevent his farther incroachments Weſtwards, his *Dioceſe* of *Thrace* bordering upon *Macedonia*, the ſubtileſt Device they could think of, to ſecure that *Province* and to inlarge their own Authority, was, to perſwade the Biſhop of *Theſſalonica* to act as by *Commiſſion* from the Biſhop of *Rome*: So that he ſhould enjoy the ſame *Privileges* which he had before. And being back'd by ſo great an Intereſt, he would be better able to conteſt with ſo powerfull a Neighbour as the Biſhop of *Conſtantinople.* And if any objected, *That this was to break the Rules ſettled by the Council of Nice*; They had that anſwer ready; *That the Biſhop of* Conſtantinople *began:* and their Concernment was, to ſecure the *Rights* of other *Churches* from being invaded by him; By which means they endeavour'd to draw thoſe Churches bordering on the *Thracian Dioceſe*, firſt to own a Submiſſion to the Biſhop of *Rome* as their *Patriarch*; which yet was ſo far from giving them eaſe, which ſome it may be expected by it, that it only involved them in continual Troubles, as appears by that very *Collection* of *Holſtenius*. For the Biſhops of *Conſtantinople* were not negligent in promoting their own Authority in the Provinces of *Illyricum*, nor in withſtanding the *Innovations* of the Biſhop of *Rome.* To which purpoſe they obtained an *Imperial Edict* to this day extant in both (*w*) *Codes*, which ſtrictly forbids any *Innovation* in the Provinces of *Illyricum*,

(*t*) Holſten. *Diagrammat. Chronog. Pontif.* Damaſi.

(*u*) Socr. *l.* 5. *c.* 8.

(*w*) Theod. 16. *l.* 45. *t. de Epiſc.* C. Juſt. *de SS. Eccl. l.* 6.

cum, and declares, *That if any doubtful Case happen'd, according to the ancient Custom and Canons, it was to be left to the provincial Synod, but not without the advice of the Bishop of* Constantinople. The occasion whereof was this, *Perigenes* being rejected at *Patræ*, the Bishop of *Rome* takes upon him to put him into *Corinth*, without the consent of the *provincial Synod:* This the Bishops of *Thessaly*, among whom the chief were, *Pausianus*, *Cyriacus* and *Calliopus*, look upon as a notorious *Invasion of their Rights*; and therefore in a *provincial Synod* they appoint another Person to succeed there. Which Proceeding of theirs is heinously taken at *Rome*, as appears by (x) *Boniface*'s Epistles about it, both to *Rufus* of *Thessalonica*, whom he had made his *Legate*, and to the *Bishops* of *Thessaly*, and the other *Provinces*. But they make Application to the *Patriarch* of *Constantinople*, who procures this Law, in favour of the ancient *provincial Synods*, and for restraint of the *Pope*'s Incroachments, but withall, so as to reserve the last resort to the Bishop of *Constantinople*. At this *Boniface* shews himself extremely nettled, as appears by his next Epistle to *Rufus*, and incourages him, *to stand it out to the utmost*; *And gives him Authority to excommunicate those Bishops, and to depose* Maximus, *whom they consecrated according to the ancient Canons*. But all the Art of his management of this Cause lay, in throwing the *Odium* of it upon the Ambition of the Bishop of *Constantinople*; And thus the Contention between the Bishops of the two Imperial Cities proved the destruction of the *Ancient Polity* of the Church, as it was settled by the Council of *Nice*.

(x) *Collect. Rom. p. 54, 65, 69.*

It is said by (y) *Petrus de Marca* and *Holstenius*, *that all this attempt of* Theodosius *was to no purpose*; *Because afterwards the Bishops of* Macedonia *submitted to the Pope's Power*; *And that Rescript was revoked by another of* Theodosius *published in the* Roman *Collection*. It cannot be denied, That for some time the Bishop of *Rome* prevailed, but it appears, that it was not long, by the sad Complaint made to *Boniface* II. of the Prevalency of the *Patriarch* of *Constantinople* in those parts made by *Stephen*, Bishop of *Larissa*, the *Metropolis* of *Thessaly*, and his Brethren *Theodosius*, *Elpidius* and *Timotheus:* And our (z) Author himself confesses, that it appears by the *Notitiæ*, *That these Provinces were at last wholly taken away from the Jurisdiction of the Bishop of* Rome, *and made subject to the Patriarch of* Constantinople.

(y) *De Concord. l. 4. c. 2. n. 1.*

(z) *Concil. Antioch. c. 13. act. 1. n. 2. p. 421.*

From which account of the matter of *Fact* we have these things very observable. (1.) That there was no Precedent could be produced as to the Pope's interposing in their *Consecrations* before the time of *Siricius*. It is true, *Damasus* his Epistle to *Acholius* is mention'd sometimes by the following Popes; But any one that reads both his Epistles in the (a) *Roman Collection* will find, that neither of them do relate to this matter: And the former is not only directed to *Acholius*, but to several other *Bishops*; And the Design of it is, *To advise them to take care, that a worthy person be put into the See of* Constantinople *in the approaching Council*; And to the same purpose is the following Epistle to *Acholius*. But what is this to the Pope's Power about *Consecrations* in the *Provinces* of *Illyricum?* And how was *Acholius* more concern'd than *Euridicus*, *Severus*, *Uranus*, and the rest of the Bishops? (2.) That the Bishop of *Rome*'s interposing in their *Consecrations* was disliked and opposed as *an Innovation* by the Bishops of those Provinces. Which appears by the Epistles of Pope *Boniface* about the Case of *Perigenes:* For by the *Canons* of the Church, the *Consecration* and Designation of

(a) *Collect. Rom. p. 37.*

p. 42.

the *Bishops* of the Province was left to the *provincial Synods:* And therefore they did not understand on what account the Bishop of *Rome* should interpose therein. (3.) That the Law of *Theodosius* was principally designed to restore the Canonical Discipline and the Authority of provincial Synods. For the words are, *Omni innovatione cessante, vetustatem & Canones pristinos Ecclesiasticos, qui nunc usque tenuerunt, per omnes* Illyrici *Provincias servari præcipimus.* Which cannot be well understood of any other *Canons* than such as relate to the Ecclesiastical Government of Provinces, and not of any *peculiar Customs* there, as *Gothofred* mistakes the meaning of them: And in case any difference did arise, it was to be left *Conventui sacerdotali sanctóque Judicio,* i. e. *To the provincial Synod*, and not to any *Legate* of the Bishop of *Rome*; Whose incroachment was that *Innovation* which was to be laid aside: as is now plain by the *Roman Collection*, without which this Law was not rightly understood, as appears by the several attempts of *Baronius*, *Peron* and *Gothofred.* (4.) That although by the means of *Honorius*, upon the importunity of the *Bishop* of *Rome* this Rescript was recalled by (*b*) *Theodosius:* Yet the former only was enter'd into the *Codes* both of *Theodosius* and *Justinian*; which hath all the formality of a Law, being directed to the *P. P.* of *Illyricum*, and hath the date by *Consuls* annexed; but the Revocation is only a *Rescript* from *Theodosius* to *Honorius*, and refers to an *Edict* sent to the *P. P.* of *Illyricum*; which not appearing, the other being enter'd into the *Code*, gives great ground to believe that this *Revocation* was voided, and the former stood as the *Law*; Which ought rather to be presumed to be the *Act* of *Justinian* himself, the Privileges of *Constantinople* being concerned herein, than merely the Pique of *Trebonian* and the *Collectors* of the Laws against the *Roman* See, as (*c*) *Holstenius* suggests. So that from this whole matter it appears what Opposition the Pope's interposing in *foreign Consecrations* met with, not only from the Bishops of those *Provinces*, but from the *Imperial Laws.*

(*b*) *Collect. Rom. p.* 81. 83.

(*c*) Hol. *Not. ad Collect. Rom. p.* 284.

But let us now see what Patriarchal Authority, as to *Consecrations*, the Bishops of *Rome* exercised in these more Western *Churches.* As to *Gaul*, our (*d*) Author confesseth, *That the Bishops of* Rome *did not challenge the practice of Consecrations to themselves, as appears by the Words of* Leo *to the Bishops of the Province of* Vienne, which he produces. *Non Nobis Ordinationes vestrarum Provinciarum defendimus:* (for so he understands these Words of *Consecrations*, although they are capable of another meaning, viz. *That he did not take upon him to manage the Affairs of the* Gallican *Churches*, but only took care that they should do it themselves according to the *Canons*, which was *Leo*'s Pretence in that (*e*) Epistle) but then *he distinguisheth between the Right it self, and the Exercise of it, which may be parted with by particular privileges granted, but the Right it self may be still reserved*; And the same he after saith in general of the (*f*) Western *Provinces*, wherein he can trace no Footsteps of the practice, and therefore concludes, it must be from *privileges granted by the Bishops of* Rome *by reason of distance, which the Patriarch of* Alexandria *would not grant.* But we are now proving the *Right* by the *Practice*, and therefore it is unreasonable to alledge a *Right* without it; For this way of proving is ridiculous; *viz.* to prove that the Pope had *patriarchal Rights*, because he did *exercise them*; And then to say, Though he did *not exercise them*, yet he had them; And so to prove that he had them, because we was *Patri-*

(*d*) *Antiquit illustr. Dissert.* 2. *c.* 4. *act.* 1. *n.* 101.

(*e*) Leo, *Epist.* 10. *c.* 8. *ed. Nov.*

(*f*) Schelstr. *ib. n.* 105, 106.

arch

arch of the West. Yet this is in truth the way of proof this late Author useth; He sheweth from *Lupus*, *That all Consecrations of Metropolitane and provincial Bishops belong to the Patriarch:* Then to prove a *patriarchal Power*, it is necessary to prove, that all the Consecrations within the Provinces do belong to that See. But how doth this appear as to the Western *Provinces?* Did all the *Consecrations* of Bishops within them belong to the Bishops of *Rome?* If not, then they were not within the *Roman* Patriarchate: If they did, we expect the proof of it by the *practice.* No, he confesseth, *the practice was different; But still they had the patriarchal Right.* How so? *Yes*, saith he, *That is plain, because the Bishop of* Rome *was Patriarch of the West.* This way of proving may be good against *De Marca*, who had granted the Pope to be the *Western Patriarch*; but it is ridiculous to those that deny it.

But he attempts something farther, viz. (*g*) *That the Bishop of* Rome *had, before the Council of* Nice, *the power of deposing Bishops in* Gaul, *as appears by* Martianus *of* Arles *deposed by* Stephanus. This (*h*) *Martianus* had openly declared himself of the *Novatian Party*; at which *Faustinus*, Bishop of *Lyons*, and other Bishops in *Gaul* were very much troubled, and expressed their Resentments of it, but he slighted their Censures of him: Both parties made Applications to St. *Cyprian*, and *Martianus* desired to preserve Communion with him; But he was utterly rejected there for joining in the *Novatian Schism.* But it seems, by St. *Cyprian*'s Epistle, *he had still hopes not to be condemned at* Rome, altho' the *Schism* began there. For, saith he, *How ill would it look, after* Novatian *himself had been so lately and universally rejected, to suffer our selves to be deceived by his Flatterers?* St. *Cyprian* and his *Collegues* were in no danger, for they had already detected and condemned him, therefore this must be understood of *Stephen*, which is the Reason he presses him so hard, and with some Authority to dispatch his Letters to the People of *Arles* to chuse another Bishop in the place of *Martianus*, *Dirigantur in Provinciam & ad Plebem* Arelatæ *consistentem à te Literæ*, &c. And a little before he tells him, *He ought to send his mind at large to their Brethren the Bishops of* Gaul, *That they ought not suffer him to insult over their Fraternity*, &c. And the Reason he gives for this Freedom which he useth with him is, *Because they held the Balance of the Government of the Church in common among them; And, being several Pastours, they took care of the same Flock, who ought all to join in condemning such a Follower of* Novatian, *and thereby preserve the Reputation of their Predecessors*, Cornelius *and* Lucius, *who were glorious Martyrs: and he especially who succeeded them.* And so, not doubting his compliance, in a friendly manner he desires him, *to let him know who succeeded* Martianus *at* Arles, *that he might know to whom to write.* I appeal to any Man of common Sense, whether this looks like the *Application* made to the *Western Patriarch*, to whom St. *Cyprian* himself owed subjection as such. For when the Bishops of *Rome* began to challenge a *patriarchal Power* over the Churches of *Thessaly*, they expected *Application* to be made to them in a *Style* suitable to that Dignity, as is very remarkable in the (*i*) *Roman Collection*; As in the Petition of *Stephanus*, Bishop of *Lariſſa*, the *Metropolis* of *Thessaly*, *Domino meo sancto ac beatissimo & revera venerando Patri Patrum, & Archiepiscopo atque Patriarchæ* Bonifacio *data supplicatio à* Stephano *exiguo:* And in the very same Style *Elpidius*, *Stephanus* and *Timotheus.* These write like men that knew their distance, and what Authority the Bishop of *Rome* then challenged; But

(*g*) *Id. n.* 101.
(*h*) Cypr. *Ep.* 68. *ed. Ox.*
(*i*) *Collect. Rom. p.* 20. *p.* 31.

the meek and humble St. *Cyprian* ſeems to ſtand upon equal Terms with the Biſhop of *Rome*, or rather, as if he were upon the higher Ground, he takes upon him to tell him his duty, and rather checks him for his neglect in it, than owns any Authority in him ſuperiour to his. So that if any *patriarchal Power* be to be inferr'd from this Epiſtle, it would be much rather, that St. *Cyprian* was *Patriarch* of the Weſt, than the Biſhop of *Rome*; ſince he is rather *ſuperiour*, who directs what another ſhould do, than he who doeth what is directed; And if from hence it follows, *That the execution of the Canons was in the Biſhop of* Rome, it will likewiſe follow, that the *directing* that *execution* was in the Biſhop of *Carthage*.

(*k*) Schelſtraet. *ib. n.* 102. (*l*) *Not. in Coll. Rom. p.* 265.

But we are told, (*k*) *that, even in* Africa, *no Conſecrations were allow'd, without the conſent of the Biſhop of* Rome: This is great News indeed, of which the *African Code* gives us no information: But (*l*) *Holſtenius finds* it in an Epiſtle of *Siricius* or of *Innocentius*, (which he pleaſes, for the ſame Rules are in both) only in the Canon Law it is taken from *Innocentius*, and the true Senſe is given of it, *Extra conſcientiam Metropolitani Epiſcopi, nullus audeat ordinare Epiſcopum*: But what is this to the *Roman Patriarchate?* And our Author doth not ſeem to rely upon it; But he alledges a Paſſage in *Optatus*, *that* Eunomius *and* Olympius, *two Biſhops, were ſent to* Carthage *to conſecrate a Biſhop in the place both of* Cecilian *and* Donatus: And *Albaſpinæus* ſaith, *they were ſent by the Pope's Authority.* But this *Obſervation* of his he hath not from (*m*) *Optatus*, by whom it rather appears, that they were ſent by the Emperour, who ſtopt *Cecilian* at *Brixia*. And no one that reads the Paſſages about *Milthiades* at that time, and how *Conſtantine* joined *Marinus*, *Maternus* and *Rheticius* in *Commiſſion* with him, can ever imagine, that the Biſhop of *Rome* was then eſteemed the *Patriarch* of the Weſt; and, as ſuch, to have had *Juriſdiction* over the Biſhops of *Africa*.

(*m*) Optat. *l.* 1.

(*n*) Schelſtraet. *ib. n.* 100, 101.

The laſt (*n*) Attempt to prove the Pope's *patriarchal Power*, as to *Conſecration* in the Weſtern *Churches*, is *from his Authority of giving Palls to the Metropolitanes*. Which he proves from *Gregory*'s Epiſtles, as to the *Biſhops of* Arles *and* London; *And from an Epiſtle of* Boniface, *Biſhop of* Mentz, *wherein*, he ſaith, *it was agreed in* France, *That the Metropolitanes ſhould receive Palls from the* Roman *See*. But how far are we now gone from the *Council* of *Nice* and the Rules of *Church-polity* then eſtabliſhed? We do not deny, that the Biſhops of *Rome* did aſſume to themſelves in following Ages a more than *patriarchal Power* over the Weſtern *Churches*: But we ſay there are no footſteps of it in the Time of the *Council* of *Nice*; And that what Power they gained, was by *Uſurpation* upon the *Rights* of *Metropolitanes* and *provincial Synods* then ſettled by general conſent of the Biſhops of the Chriſtian Church. But this *Uſurpation* was not made in an Inſtant, but by ſeveral Steps and Degrees, by great Artifice and Subtilty, drawing the *Metropolitanes* themſelves, under a Pretence of advancing their *Authority*, to betray their *Rights*. And among the Artifices of the Court of *Rome* this of the *Pall* was none of the leaſt; For by it the Popes pretended to confirm and inlarge the *privileges* of *Metropolitanes*, which hereby they did effectually overthrow, as though they received them merely from the Favour of the Biſhop of *Rome*, which did undoubtedly belong to them by ancient Right. But that this was a mere Device to bring the *Metropolitanes* into dependence on the Court of *Rome*, appears

appears by the most ancient Form of sending the *Pall* in the *Diurnus Romanus*, where it is finely called, *the shewing their unanimity with St.* Peter. But what the *Nature* and *Design*, and *Antiquity* of the *Pall* was, is so fully set forth by (p) *Petrus de Marca*, and (q) *Garnerius*, that I shall say no more of it: Only that from hence the ancient *Rights* of the *Metropolitane Churches* do more fully appear, because it was so long before this *Badge* of *Subjection* was received in these Western *Churches*; For the *Synod* which *Boniface* mentions, wherein the *Metropolitanes consented to receive Palls from* Rome, was not till the middle of the 8th. Century: And great Arts and Endeavours were used in all the Western *Churches*, before they could be brought to yield to this real *Badge* of the Pope's *patriarchal Power* over them. Which is particularly true of the *British Churches* which preserved their *Metropolitane Rights*, as long as their Churches were in any tolerable condition; And that without suffering any diminution of them from the Pope's *patriarchal Power:* As will farther appear in this Discourse.

(o) Diurn. Rom. p. 88.

(p) De Concord. l. 6. c. 5, 6, 7.

(q) Garner. App. ad Not. c. 4. Diurn. Rom.

(2.) The next patriarchal Right to be examined, is that of *calling Bishops within their Jurisdiction to Councils.* It is truly observed by (r) *de Marca*, *That those who received Consecration from another, were bound by the ancient Discipline of the Church to attend to his Councils*; And in the Sense of the old Canon Law, (s) *those two Expressions, To belong to the Consecration, or to the Council, were all one.* And so every *Metropolitane* had a Right to summon the *Bishops* of his *Province*, and the *Primates* or *Patriarchs*, as many as received *Consecrations* from them. Thus the Bishop of *Rome*'s *patriarchal Council* consisted of those within his own *Diocese* or the *Suburbicary Churches.* Where there being no *Metropolitanes*, the *Roman Council* did much exceed others in the number of Bishops belonging to it: Thence *Galla Placidia* relates, *how she found the Bishop of* Rome *compassed about with a great number of Bishops which he had gather'd out of innumerable Cities of* Italy, *by reason of the Dignity of his Place.* Its seems then no Bishops of other Western *Churches* were summon'd to the *Roman Councils.* But the *Bishops* of *Sicily* were then under the *Italian* Government, and reckon'd with the *Italian Bishops.* It may be question'd, whether in *Ruffinus* his Time they were comprehended within the *Suburbicary Churches.* But in *Leo*'s Time the Bishops of *Rome* had inlarged their *Jurisdiction* so far, as to summon the Bishops of *Sicily* to their Councils. This is evident from *Leo*'s Epistle to all the Bishops of *Sicily*, where he charges them *every year to send three of their Number to a Council in* Rome; And this he requires in pursuance of the *Nicene Canons*; From whence it seems probable, That the Bishop of *Rome* did by degrees gain all the Churches within the Jurisdiction of the *Vicarius Urbis* as his *patriarchal Dioceſe.* For *Sicily* was one of the *ten Provinces* belonging thereto. But our (t) Author saith, *That the Council of* Nice *speaks there only of provincial Councils, and not of patriarchal.* What then? Was *Sicily* within the *Roman Province*, considering the Bishop of *Rome* merely as a *Metropolitane?* That is very absurd, since *Sicily* was a *Province* of it self, and as such, ought to have had a *Metropolitane* of its own: And so all the other neighbour Provinces to *Rome*; whereas we read of none there; but as far as the Bishop of *Rome*'s *Jurisdiction* extended, it was *immediate*, and swallow'd up all *Metropolitane Rights.* I know (u) *Petrus de Marca* thinks *there were Metropolitanes within*

(r) De Concord. l. 1. c. 7. n. 3.

(s) De Constantin. Patriarch. p. 162.

(t) Schelstraet. ib. n. 108.

(u) De Concord. l. 1. c. 7. n. 4.

within the Suburbicary Churches; But I see no Authority he brings for it besides the *Nicene Canon* and the *Decrees* of *Innocentius* and *Leo* which relate to other *Churches*. But any one that carefully reads the Epistles of *Leo* to the *Bishops* within those *Provinces*, and compares them with those written to the Bishops without them, will, as (*w*) *Quesnel* hath well observed, find so different a strain in them, that from thence he may justly infer, that there were no *Metropolitanes* in the former, but there were in the latter. When he (*x*) writes to the Bishop of *Aquileia* he takes notice of his *provincial Synod*, and directs the Epistles of general concernment to the *Metropolitane*; as he doth not only to him, but to (*y*) the Bishop of *Ravenna* too. And when (*z*) *Eusebius*, Bishop of *Milan*, wrote to him, he gives an account of the *provincial Council* which he held. But there is nothing like this, in the Epistles sent to the Bishops within the *ten Provinces*, no mention is therein made of *Metropolitanes*, or of any *provincial Synods*. But here we find the Bishops of *Sicily* in common summon'd to send three of their number to an *annual Council* at *Rome*. From whence I conclude, That the Pope's *patriarchal Council* lay within the compass of these *Suburbicary Churches*. I do not deny but upon occasion there might be more Bishops summon'd to meet at a Council in *Rome*; As when (*a*) *Aurelian* gave the Bishops of *Italy* leave to meet at *Rome* in the Case of *Paulus Samosatenus*. And when they met with *Julius*, in the Case of *Athanasius*, and such like Instances of an extraordinary Nature and very different from the fixed *canonical Councils*; which were *provincial* else-where, but in the *Roman Diocese* they were *patriarchal*; yet they extended no farther than to the Bishops within the *Suburbicary Churches*. And whosoever considers the Councils of *Italy* in St. *Ambrose*'s Time, published by (*b*) *Sirmondus*, will find that the Bishops of the *Italick Diocese* did not think themselves obliged to resort to *Rome* for a *patriarchal Council*. And, which is more observable, the latter of them extremely differs from *Damasus* about the same matter; which was the *Consecration* of *Maximus* to be Bishop of *Constantinople*. For (*c*) *Damasus*, in his Epistle to *Acholius*, &c. bitterly exclaims against the setting up *Maximus*, as though all Religion lay at stake, and admonished them at the next Council at *Constantinople* to take care that a fitter Person be chosen in his room: And the same he re-inforces in another Epistle to *Acholius* alone. But (*d*) St. *Ambrose*, and the *Bishops* of *Italy* with him, in a Conciliar Address to *Theodosius*, justifie the *Consecration* of *Maximus*, and dislike that of *Gregory* and *Nectarius*. Now in this Case I desire to know, whether this Council own'd the Bishop of *Rome*'s patriarchal Power? For (*e*) *Em. à Schelstraet* following *Christianus Lupus*, saith, *That in the Pope's patriarchal Power is implied, that the Bishops are only to consult and advise, but the determination doth wholly belong to the Pope as Patriarch*; *And that the Bishop of* Alexandria *had the same power appears by the Bishops of* Egypt *declaring they could not do any thing without the Bishop of* Alexandria. Let us then grant, That the Bishop of *Rome* had the same Authority within his *patriarchal Diocese*, doth not this unavoidably exclude the Bishops of the *Italick Diocese* from being under his *Patriarchate?* For if they had been under it, would they have, not barely met, and consulted, and sent to the Emperour without him, but in flat *opposition* to him? And when afterwards the Western Bishops met in Council at *Capua*, in order to the composing the Differences in the Church of *Antioch*, altho'

(*w*) *Not. in* Leon. *Epist.* 17.
(*x*) Leo *Ep.* 6. *c.* 2.
(*y*) *Ep.* 120.
(*z*) *Ep.* 135.
(*a*) Eusb. *l.* 7. *c.* 24.
(*b*) Sirmond. *Append. ad C.* Theod. *p.* 97.
(*c*) *Collect. Rom. p.* 37.
(*d*) *Append. p.* 104.
(*e*) Schelstraet. *ib. n.* 109.

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it were within the *Roman Patriarchate*, yet it being a Council of Bishops assembled out of the *Italick Dioceſe* as well as the *Roman*, the Bishop of *Rome* did not *preſide* therein, but St. *Ambroſe*; as appears by (*f*) St. *Ambroſe* his Epiſtle to *Theophilus*, about the proceedings of this Council; For he ſaith, *He hopes what* Theophilus *and the Biſhops of* Egypt *ſhould determine in that Cauſe about* Flavianus, *would not be diſpleaſing to their Holy Brother, the Biſhop of* Rome. And there follows another (*g*) Epiſtle in St. *Ambroſe* which overthrows the *Pope's patriarchal Power* over the Weſtern *Churches* by the confeſſion of the Pope himſelf. For that which had paſſed under the name of St. *Ambroſe* is now found by (*h*) *Holſtenius* to be written by *Siricius*, and is ſo publiſhed in the *Roman Collection*, and ſince in the (*i*) *Collection* of *Councils* at *Paris*. This Epiſtle was written by *Siricius* to *Anyſius* and other Biſhops of *Illyricum*, concerning the Caſe of *Bonoſus*, which had been referr'd to them by the Council of *Capua*, as being the neighbour Biſhops, and therefore, according to the *Rules* of the Church, fitteſt to give Judgement in it. But they, either out of a complement or in earneſt, deſired to know the *Pope*'s opinion about it. So his Epiſtle begins, *Accepi literas veſtras de* Bonoſo *Epiſcopo, quibus, vel pro veritate, vel pro modeſtia, noſtram ſententiam ſciſcitari voluiſtis.* And are theſe the *Expreſſions* of one with *patriarchal Power*, giving anſwer to a Caſe of difficulty which *canonically* lies before him? But he afterwards declares, he had nothing to do in it, ſince the Council of *Capua* had referr'd it to them, and therefore they were bound to give Judgment in it. *Sed cum hujuſmodi fuerit Concilii* Capuenſis *judicium——advertimus quod nobis judicandi forma competere non poſſit.* If the Biſhop of *Rome* had then *patriarchal Power* over all the Weſtern *Churches*, how came he to be excluded from judging this Cauſe by the Proceedings of the *Council* of *Capua?* Would Pope *Siricius* have born this ſo patiently and ſubmiſſively, and declined meddling in it, if he had thought that it did of *Right* belong to him to determine it? If the *Execution* of the *Canons* belongs to the Biſhop of *Rome* as the *Supreme Patriarch*, how comes the *Council* of *Capua* not to refer this matter immediately to him, who was ſo near them; But, without ſo much as asking his Judgment, to appoint the hearing and determining it to the Biſhops of *Macedonia?* We have no reaſon to queſtion the ſincerity of this Epiſtle which *Card. Barberine* publiſhed as it lay with others in *Holſtenius* his Papers taken out of the *Vatican*, and other *Roman MSS.* by the expreſs *Order* of *Alexander* VII. And altho' a late (*k*) *Advocate* for the Pope's Power in *France* againſt *De Marca*, hath offer'd ſeveral Reaſons to prove this Epiſtle counterfeit, yet they are all anſwer'd by a (*l*) *Doctor* of the *Sorbon*. So that this Epiſtle of *Siricius* is a ſtanding Monument, not only againſt the Pope's abſolute and unlimited Power, but his *patriarchal* out of his own *Dioceſe*.

(*f*) Ambrot. *Ep.* l. 10. *ep.* 78.
(*g*) *Epiſt.* 79. *ed.* Eraſm.
(*h*) *Collect. Rom. p.* 189.
(*i*) *Concil. Labb. t.* 2. *p.* 1033.
(*k*) *Des Jugemens Canon. des Eveſques, p.* 562.
(*l*) *De antiquis & majoribus Epiſc. cauſis, c.* 29.

But to juſtifie the Pope's *patriarchal Power* in calling the Weſtern *Biſhops* to his *Council* at *Rome*, we have ſeveral (*m*) *Inſtances* brought; As of ſome *Gallican Biſhops* preſent at the Council under *Damaſus*; *Wilfrid*, an *Engliſh Biſhop* under *Agatho* a Legate from the *Council* held in *Britain*; with *Felix* of *Arles* and others; and ſome others of later times. But what do *extraordinary Councils*, meeting at *Rome*, prove, as to the Biſhop of *Rome*'s being *Patriarch* of the Weſtern *Churches?* Do the Weſtern *Councils*, meeting at *Milan*, *Arles*, *Ariminum*, *Sardica*, or ſuch Places, prove the Biſhops of them to be all *Patriarchs?* Theſe things

(*m*) Schelſtraet. *ib. n.* 113. 115.

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are not worth mentioning, unleſs there be ſome circumſtance to ſhew that the Biſhop of *Rome* called the Weſtern *Biſhops* together by his *patriarchal Power*, for which there is no evidence brought. But there is a very great difference between *Councils* aſſembled for *Unity of Faith* or *Diſcipline* from ſeveral *Dioceſes*, and *provincial Synods*, and *patriarchal Councils* called at certain times to attend the *patriarchal See*, as is to be ſeen in the (*n*) *Diurnus Romanus*, where the Biſhops, within the *Roman Patriarchate*, oblige themſelves to obey the Summons to a *Council* at *Rome*, at certain fixed times, as *Garnerius* ſhews; which, he ſaith, *was three times in the year.* But he adds, *this extended no farther than to the Biſhops within the Suburbicary Churches, who had no Primate but the Biſhop of Rome*, and ſo this was a true *patriarchal Council.*

(*n*) *Diurn. Rom. p. 66.*

(3.) But the laſt Right conteſted for, is, that of *Appeals in greater Cauſes.* By which we underſtand ſuch Application of the Parties concerned as doth imply a *Superior Juriſdiction* in him they make their reſort to, whereby he hath full Authority to determine the matters in difference: For otherwiſe *Appeals* may be no more than *voluntary Acts* in the *Parties*, and then the Perſon appealed to hath no more Power than their *Conſent* gives him. Now in the Chriſtian Church, for preſervation of Peace and Unity, it was uſual to adviſe in greater Caſes with the Biſhops of other *Churches*, and chiefly with thoſe of the greateſt Reputation, who were wont to give their Judgment, not by way of *Authority*, but of Friendly correſpondence; not to ſhew their Dominion, but their Care of preſerving the Unity of the Church. Of this we have a remarkable Inſtance in the *Italick Council*, of which St. *Ambroſe* was *Preſident*, who did interpoſe in the *Affairs* of the Eaſtern Church; not with any pretence of Authority over them, but merely out of Zeal to keep up and reſtore Unity among them. They knew very well how ſuſpicious the *Eaſtern Biſhops* were of the *Weſtern Biſhops* meddling in their matters ever ſince the Council of *Sardica* (of which afterwards) but they tell them, *it was no new thing for the Weſtern Biſhops to be concerned when things were out of order among them.* (*o*) *Non Prærogativum*, ſay they, *vindicamus examinis, ſed Conſortium tamen debuit eſſe communis arbitrii.* They did not challenge a Power of calling them to account, but they thought there ought to be a mutual Correſpondence for the general good, and therefore they received *Maximus* his Complaint of his hard uſage at *Conſtantinople.* Will any hence infer, that this Council or St. *Ambroſe* had a *Superior Authority* over the *Patriarch* of *Conſtantinople?* So that neither *Conſultations*, *Advices*, *References*, nor any other *Act* which depends upon the *Will* of the *Parties*, and are deſigned only for a *common good*, can prove any true *patriarchal Power.* Which being premiſed, let us now ſee what Evidence is produced from hence for the Pope's *patriarchal Power* over the *Weſtern Churches.* And the main thing inſiſted upon is, (*p*) *The Biſhop of* Rome's *appointing Legates in the Weſtern Churches to hear and examine Cauſes, and to report them.* And of this, the firſt inſtance is produced of the *ſeveral Epiſtles of Popes to the Biſhops of* Theſſalonica *in the* Roman *Collection.* Of which a large account hath been already given: And the firſt beginning of this was after the Council of *Sardica* had out of a Pique to the *Eaſtern Biſhops* and Jealouſie of the Emperor allow'd the Biſhop of *Rome* the *Liberty* of granting a *re-hearing* of *Cauſes* in the *ſeveral*

(*o*) *App. ad Cod.* Theod. *p.* 106.

(*p*) Schelſtraet. *ib. n.* 123.

veral Provinces, which was the pretence of sending *Legates* into them; And this was the first considerable step that was made towards the advancing the Pope's Power over the *Western Churches*. For a present (q) *Doctor* of the *Sorbon* confesseth, *that in the space of* 347 *years, i. e.* to the *Sardican* Council, *No one Instance can be produced of any Cause wherein Bishops were concerned, that was ever brought to* Rome *by the Bishops that were the Judges of it*. But if the Pope's *patriarchal Power* had been known before, it had been a regular way of proceeding from the Bishops in *provincial Synods* to the *Patriarch*. And withall, he saith, *before that Council no instance can be produced of any Judges Delegates for the review of Judgment passed in provincial Synods: And whatever Privilege or Authority was granted by the Council of* Sardica *to the Bishop of* Rome, *was wholly new, and had no Tradition of the Church to justifie it; And was not then received either in the Eastern or Western Churches*. So that all the Pleas of a patriarchal Power, as to the Bishop of *Rome*, with respect to *greater Causes* must fall very much short of the Council of *Nice*. As to the Instance of *Marcianus* of *Arles*, that hath been answered already; And as to the Deposition of Bishops in *England* by the Pope's Authority in later Times, it is of no importance, since we do not deny the matter of Fact, as to the *Pope's Usurpations*; But we say, they can never justifie the exercise of a *patriarchal Power* over these *Churches* by the *Rules* established in the Council of *Nice*.

(q) *De antiquis & majoribus Episcoporum causis*, p. 71. p. 75. p. 91, &c. 132, &c.

But it is said, *That the Council of* Arles, *before that of* Nice, *attributes to the Bishop of* Rome, *Majores Diœceses, i. e.* according to *De Marca*, *all the Western Churches*; But in answer to this, I have already shew'd how far the *Western Bishops* at *Arles* were from owning the Pope's *patriarchal Power* over them, because they do not so much as desire his *Confirmation* of what had passed in Council; But only send the *Canons* to him to publish them. But our Author and *Christianus Lupus* say, *that such is the Patriarch's Authority, That all Acts of Bishops in Council are in themselves invalid without his Sentence, which only gives Life and Vigour to them; As they prove by the Patriarch of* Alexandria. But if the Bishop of *Rome* were then owned to be *Patriarch* over seven or eight *Dioceses* of the West, according to *De Marca*'s exposition; how came they to sit and make *Canons*, without the least mention of his Authority? So that either they must deny him to be *Patriarch*, or they must say he was affronted in the highest manner by the *Western Bishops* there assembled. But as to the expression of *Majores Diœceses*, it is very questionable, whether in the time of the *Council* of *Arles*, the distribution of the Empire by *Constantine* into *Dioceses* were then made, and it seems probable not to have been done in the time of the *Council* of *Nice*, *Dioceses* not being mentioned there, but only *Provinces*; And if so, this Place must be corrupt in that expression, as it is most certain it is in others; And it is hard to lay so great weight on a place that makes no entire sense. But allowing the expression genuine, it implies no more than that the Bishop of *Rome* had then more *Extensive Dioceses* than other *Western Bishops*; Which is not denied, since even then he had several *Provinces* under his immediate Government, which no other *Western Bishop* had.

(r) St. *Basil*'s calling *the Bishop of* Rome, *Chief of the Western Bishops*, implies nothing but the dignity of his *See*, and not any *patriarchal Power* over the *Western Churches*.

(r) Schelstraet. *ib.* n. 77.

It must be a degree of more than usual subtilty to infer *Damasus* his *patriarchal Power over the West*, (*s*) because St. *Jerome* joins *Damasus* and the *West* together, as he doth *Peter* and *Egypt*: Therefore *Damasus* had the same Power over the *West* which *Peter* had over *Egypt*. It seems St. *Jerome*'s language about the different *Hypostases*, did not agree with what was used in the *Syrian Churches*, and therefore some charged him with false Doctrine; he pleads for himself, that the Churches of *Egypt*, and the West, spake as he did, and they were known then neither to favour *Arianism* nor *Sabellianism*; And, to make his Allegation more particular, he mentions the names of the *Patriarch* of *Alexandria* and the Bishop of *Rome*. But a Cause extremely wants Arguments which must be supported by such as these.

(*s*) *Id. n.* 78.

If (*t*) St. *Augustine* makes *Innocent to preside in the Western Churches*; he only thereby shews the *Order* and *Dignity* of the *Roman See*; but he doth not own any *Subjection* of the *Western Churches* to his Power, since no Church did more vehemently withstand the Bishop of *Rome*'s Incroachments than the Churches of *Africa* did in St. *Augustine*'s time; As is notorious in the business of *Appeals*, which transaction is a demonstration against his *patriarchal Power* over the *African Churches*. And the Bishop of *Rome* never insisted on a *patriarchal Right*, but on the *Nicene Canons* wherein they were shamefully baffled.

(*t*) *Id. n.* 79.

It cannot be denied that (*u*) Pope *Innocent*, in his Epistle to *Decentius Eugubinus*, would bring the *Western Churches* to follow the *Roman Traditions*, upon this pretence, *That the Churches of* Italy, Gaul, Spain, Africa, Sicily, *and the Islands lying between were first instituted either by such as were sent by St.* Peter *or his Successors*. But whosoever considers that Epistle well, will not for *Innocent*'s sake lay too much weight upon it. For, Is it reasonable to think, that the *double Unction*, the *Saturday Fast*, the *Eulogiæ* sent to the several *Parishes* in *Rome*, were *Apostolical Traditions* which all the *Western Churches* were bound to observe, because they were first planted by those who were first sent from *Rome*? But the matter of Fact is far from being evident, for we have great reason to believe, there were Churches planted in the *Western Parts*, neither by St. *Peter* nor by those who were sent by his Successours. Yet let that be granted; What connexion is there between receiving the Christian Doctrine at first by those who came from thence, and an Obligation to be subject to the Bishops of *Rome* in all their *Orders* and *Traditions*? The *patriarchal Government* of the Church was not founded upon this, but upon the ancient Custom and Rules of the Church; as fully appears by the Council of *Nice*. And therefore the Churches of *Milan* and *Aquileia* though in *Italy*, the Churches of *Africa* though probably the first Preachers came from *Rome*, never thought themselves bound to follow the *Traditions* or observe the *Orders* of the *Roman Church*, as is very well known both in St. *Cyprian*'s and St. *Augustine*'s times. But if the Pope's power be built on this ground, what then becomes of the *Churches* of *Illyricum*? Was the Gospel brought thither from *Rome*? And, as to the *British Churches*, this very Plea of *Innocent* will be a farther evidence of their *exemption* from the *Roman Patriarchate*; since *Britain* cannot be comprehended within those *Islands which lie between* Italy, Gaul, Spain, Africa *and* Sicily, which can only be understood of those *Islands* which are situate in the *Mediterranean Sea*.

(*u*) *Id. n.* 80.

And

And if no Inſtance can be produced of the Biſhop of *Rome*'s patriarchal Juriſdiction over the *Britiſh Churches*, why ſhould not we claim the ſame benefit of the *Nicene Canons* which *Leo* urges ſo vehemently in ſuch a parallel Caſe? Neither can it be ſaid, *that afterwards, Subjection and Conſent makes a juſt patriarchal Power*; for neither doth it hold as to the *Britiſh Churches*, whoſe Biſhops utterly refuſed to ſubmit to *Auguſtine* the Monk; And if it doth, all the force of *Leo*'s Arguments is taken away. For there were both *Preſcription* pleaded, and a *Conſent* of the *Biſhops* of the *Dioceſes* concerned in the Council of *Chalcedon*. But *Leo* ſaith, *the* Nicene *Canons are beyond both theſe, being dictated by the Spirit of God, and paſſed by the common Conſent of the Chriſtian Church; And that it was a Sin in him to ſuffer any to break them.* Either this is true or falſe. If falſe, how can the Pope be excuſed who alledged it for true? If true, then it holds as much againſt the Biſhop of *Rome* as the Biſhop of *Conſtantinople*. And as to the *Preſcription of* 60 *years*, he ſaith, the *Canons of* Nice *were before, and ought to take place, if the practice had been never ſo conſtant*, which he denies. Nay, he goes ſo far as to ſay, *Though the numbers of Biſhops be never ſo great that give their conſent to any alteration of the* Nicene *Canons, they ſignifie nothing, and cannot bind.* Nothing can be more emphatical or weighty to our purpoſe than theſe Expreſſions of Pope *Leo*, for ſecuring the *Privileges* of our *Churches*, in caſe no patriarchal Power over them can be proved before the *Council* of *Nice*. And it is all the reaſon in the World, That thoſe who claim a *Juriſdiction* ſhould prove it, eſpecially when the *Acts* of it are ſo notorious that they cannot be conceal'd; as the *Conſecration* of *Metropolitanes*, and matters of *Appeals* are, and were too evident in latter Times, when all the World knew what Authority and Juriſdiction the Pope exerciſed over theſe Churches. I conclude this with that excellent Sentence of Pope *Leo*, *PRIVILEGIA ECCLESIARUM SANCTORUM PATRUM CANONIBUS INSTITUTA, ET VENERABILIS* NI-

Quoniam diſpenſatio mihi credita eſt, & ad meum tendit reatum, ſi paternarum regulæ Sanctionum, quæ in Synodo Nicæna *ad totius Eccleſiæ Regimen, Spiritu Dei inſtruente, ſunt traditæ me, quod abſit, connivente violentur.* Leo *ad* Marcian. Aug. *Ep.* 78. *c.* 3.

Quoniam contra Statuta paternorum Canonum, quæ ante longiſſimæ ætatis annos in Urbe Nicæna *ſpiritualibus ſunt fundata Decretis, nihil cuique audere conceditur.* Leo *ad* Pulcher. *Ep.* 79. *n.* 2.

Superbum nimis eſt & immoderatum, ultra proprios terminos tendere, & antiquitate calcatâ alienum jus velle præripere, atque ut unius creſcat Authoritas, tot Metropolitanorum impugnare Primatus quietiſque Provinciis, & olim Sanctæ Synodi Nicænæ *moderatione diſpoſitis, bellum novæ perturbationis inferre, atque ut venerabilium Patrum Decreta ſolvantur, quorundam Epiſcoporum præferre conſenſum cui tot annorum ſeries negavit effectum. Nam* 60 *fere annus hujus conniventiæ eſſe jactatur qua ſe prædictus Epiſcopus æſtimat adjuvari, fruſtra cupiens id ſibi prodeſſe, quod etiam ſi quiſquam auſus eſt velle, nullus tamen potuit obtinere.* Id. ib.

Nulla ſibimet de multiplicatione congregationis ſynodalia Concilia blandiantur, neque trecentis illis decem atque octo Epiſcopis quantumlibet copioſior numerus Sacerdotum vel comparare ſe audeat vel præferre: cum tanto divinitus privilegio

Nicæna *ſit Synodus conſecrata, ut ſive per pauciores ſive per plures Eccleſiaſtica Judicia celebrentur omni penitus auctoritate ſit vacuum quicquid ab illorum fuerit conſtitutione diverſum.* Ad *Anatol.* Ep. 80. n. 1.

CÆNÆ SYNODI FIXA DECRETIS, NULLA POSSUNT IMPROBITATE CONVELLI NULLA NOVITATE VIOLARI. The *Privileges* of *Churches* which were begun by the *Canons* of the *Holy Fathers* and confirmed by the Council of *Nice* can neither be deſtroy'd by wicked Uſurpation nor diſſolved by the Humour of Innovation.

In the next great Council of *Sardica*, which was intended to be *general* by the two Emperours *Conſtans* and *Conſtantius*, it is commonly (*w*) Athanaſ. *Apol.* 2. *p.* 720. ſaid, that (*w*) *Athanaſius* expreſly affirms the *Britiſh Biſhops* to have been there preſent. But ſome think this miſtake aroſe from looking no farther than the Latin Copy in *Athanaſius*, in which indeed the words are plain enough to that purpoſe; but the ſenſe in the Greek ſeems to be the ſame. For *Athanaſius* pleads his own Innocency from the ſeveral Judgments which had paſſed in his Favour. Firſt, by 100 Biſhops in *Egypt*; next, by above 50 Biſhops at *Rome*; thirdly, in the great Council at *Sardica*, ἐν ᾗ, in which, as ſome ſay, above 300 Biſhops out of the ſeveral Provinces there mention'd conſented to his * *Ad ſolit. vit. agent. p.* 818. Innocency. But here lies an inſuperable difficulty, for * *Athanaſius* himſelf elſe-where affirms, *that there were but* 170 *Biſhops in all there preſent*; and therefore it is impoſſible he ſhould make 300 there preſent. Which ſome have endeavour'd to reconcile, by ſaying, *the latter was the true number preſent; but the former of thoſe Biſhops ſcattered up and down who did agree in the Sentence which paſſed in favour of* Athanaſius: But then the Greek here cannot be underſtood of thoſe preſent in Council; and, on the other ſide, if it be not ſo underſtood, then the words do not prove what he deſigns, *viz.* that he was acquitted in the *Sardican* Council; in which, although the number were not ſo great, I ſee no reaſon to exclude the *Britiſh Biſhops*.

(*x*) Athan. *p.* 756. (*y*) Athan. *p.* 767. (*z*) Bucher. *Belg. Roman. l.* 9. *c.* 4. *n.* 4. (*a*) Hilar. *de Synodis.* It is true, that in the (*x*) Synodical Epiſtle of that Council, only *Italy*, *Spain* and *Gaul* are mention'd; and ſo likewiſe in the (*y*) *Subſcriptions*. But it is well obſerved by (*z*) *Bucherius*, that *Athanaſius* reckons up the *Britiſh Biſhops* among thoſe of *Gaul*. And (*a*) *Hilary*, writing to the *Gallican Biſhops* of *Germania prima* and *Germania ſecunda*, *Belgica prima*, *Belgica ſecunda*, *Lugdunenſis prima*, *Lugdunenſis ſecunda*, *Provincia Aquitanica* and *Provincia Novempopulana*; after he hath diſtinctly ſet down theſe, he then immediately adds, *And to the Biſhops of the Provinces of* Britain. Which makes me apt to think, that about that time, the *Biſhops* of *Britain* were generally joyn'd with thoſe of *Gaul*, and are often comprehended under them where (*b*) Sulpic. Sev. *l.* 2. they are not expreſly mention'd. And, to confirm this, (*b*) *Sulpicius Severus*, ſpeaking of the Summons to the Council of *Ariminum*, mentions only of theſe Weſtern Parts *Italy*, *Spain* and *Gaul*; But afterwards ſaith, *That the Biſhops of* Britain *were there preſent*. So that *Britain* was then comprehended under *Gaul*, and was ſo underſtood at (*c*) Sirmond. *Ad. vent. c.* 5. (*d*) Berter. *Diatr.* 1. *c.* 3. that time; as *Sicily* was under *Italy*, as (*c*) *Sirmondus* ſhews. And *Sextus Rufus* doth put down the deſcription of *Britain* under that of *Gaul*, as (*d*) *Berterius* hath obſerved. For otherwiſe, who could have thought that *Athanaſius* had meant the Biſhops of *Britain*, when he reckons up only the *Provinces* of *Gaul*? But he declared that they were preſent with the *Gallican Biſhops*.

But

But it hath been urged with great appearance of Reason, that *since the* British *Bishops were present at the Council of* Sardica, *The* British *Churches were bound to observe the Canons of it; and Appeals to the Bishop of* Rome *being there established, they were then brought under his Jurisdiction, as Patriarch of the Western Churches.* To give a clear account of this, we must examine the Design and Proceedings of that Council. The occasion whereof was this; *Athanasius*, Bishop of *Alexandria*, being deposed for some pretended misdemeanours by two Synods of Eastern Bishops, and finding no redress there, by the prevalency of the *Arian Faction*, makes Application to the Western Bishops, and to *Julius* Bishop of *Rome*, as the *chief* of them, and earnestly desires that his Cause might be heard over again, bringing great Evidence from the Bishops of *Egypt* and other places, that he never had a fair Hearing, but was run down by the Violence of the *Eusebian party* at *Tyre* and *Antioch*. The Bishop of *Rome* communicating this with the Western Bishops, as at large appears by *Julius* his Epistle in *Athanasius*, he, in their name as well as his own, sends to the Eastern Bishops, That this Cause might be heard before indifferent Judges: And to that end, that they would come into these Parts, and bring their Evidences with them. This they decline; Upon which, and a fuller Examination of the matter, they receive *Athanasius*, *Marcellus* and others into Communion with them. This gives a mighty distaste to the Eastern Bishops; at last the two Brothers, *Constantius* and *Constans*, agree, there should be a *general Council* called at *Sardica*, to hear and determine this matter. The Bishops meet; But the Western Bishops would have the restored Bishops admitted to Communion, and sit in Council; This the Eastern Bishops utterly refuse; and upon that withdrew to *Philippopolis*; And declare against their Proceedings at *Sardica*, as repugnant to the *Nicene Canons*: The Western Bishops continued sitting, and made new *Canons* to justifie their own Proceedings. This is the true state of the matter of Fact; as far as I can gather it out of the authentick Writings on both Sides. For the one side insists upon the Justice of *re-hearing a Cause, wherein there was so great suspicion of foul dealing*; And the other, *that the matters which concerned their Bishops, were not to be tried over again by others at a distance; And that this was the Way to overthrow the Discipline of the Church, as it had been settled by the Council of* Nice *and the ancient Canons of the Church.* It is apparent by the Synodical Epistle of the *Greek* Bishops who withdrew to *Philippopolis*, That this was the main Point insisted on by them; *That it was the bringing a new Law into the Church; For the Eastern Bishops to be judged by the Western; The ancient Custom and Rule of the Church being; That they should stand or fall by their own Bishops.* The Western Bishops on the other side pleaded, *That this was a Cause of common concernment to the whole Church; That there had been notorious partiality in the management of it; That* Athanasius *was condemned, not for any pretended miscarriages so much, as for his Zeal against* Arianism; *That the Cause was not heard in* Egypt, *where he was charged, but at a great distance, and therefore in common Justice, it ought to have a new hearing by the Eastern and Western Bishops together.* But the Eastern Bishops finding that the Western would not forsake the Communion of *Athanasius* and the rest, they look'd on the Cause as prejudged, and so went away. However the other proceeded to the clearing the Bishops accused, which they did by a *Synodical Epistle*, and then made several *Canons*, as *against Translations from mean Bishopricks to better*, Can. 1. *and*

using

using Arts to procure them, Can. 2. *Against placing Bishops in such places where a single Presbyter would serve, and the absence of Bishops at Consecrations*, Can. 6. *Against their unseasonable Applications to the Court*, Can. 7. 8, 9, 20. *Against being made Bishops* per Saltum, Can. 10. *Against their Non-residence*, Can. 11, 12. *Against receiving those who were excommunicated by others*, Can. 13. *About the Appeal of Presbyters*, Can. 14. *Against taking Presbyters out of anothers Diocese*, Can. 15. *Against their Non-residence*, Can. 16. *About the Reception of banished Bishops*, Can. 17. *About* Eutychianus *and* Musæus, *and the persons ordained by them*, Can. 18, 19.

But the main *Canons* of this *Council* are the third, fourth and fifth, which concern the *re-hearing* of the *Causes* of *Bishops*; And the interest the Bishop of *Rome* was to have therein. For the right understanding whereof we are to consider the several steps and methods of Proceeding therein established. (1.) *That the Causes of Bishops in the first Instance were still to be heard and determin'd by the Bishops of the Province*; That is plain by the first part of *Can.* 3. *Which forbids any Bishop in case of difference with another, to call Bishops out of a neighbour Province to hear it.* This was agreeable to the *Nicene Can.* 5. Herein it is supposed that they reflect on the Council of *Antioch*'s Proceedings against *Athanasius*; But the Council of *Antioch* did not proceed upon St. *Athanasius* in the first *Instance*, but upon this ground, viz. *That being deposed in the Council of* Tyre, *he afterwards returned to the Bishoprick of* Alexandria, *without being first restored by a greater Synod.* But this seems to have been very hard usage of so great a man; For they first made the *Canons* themselves, *Can.* 4. 12. and out of them they framed an *Article*, by virtue whereof they deprived *Athanasius*. And herein lay the Art of the *Eusebian party*, for if they had framed the *Canon* so as it is extant in (*e*) *Palladius*, it would never have passed the Council; For it was not a Council of mere *Arians*, as is commonly thought, but of many (*f*) Orthodox Bishops, together with them in some things were over-reached by the Artifices of the *Eusebian Party*; And they did not meet purposely against *Athanasius*; But 97 (*g*) *Bishops* were summon'd by the Emperor to meet at the solemn Dedication of the great Church at *Antioch* called *Dominicum Aureum*; (*h*) as they had done before on the like occasion at *Jerusalem*; And (*i*) *Eusebius* saith, *Such Assemblies of Bishops were frequent at such times.* These, being meet together, framed several Canons, for the better Ordering and Government of the Churches, out of which, being passed by general Consent, the *Eusebians*, who hated *Athanasius*, framed sufficient *Articles* against him. For, by the fourth Canon, *if a Bishop, being deposed by a Synod, doth officiate, he is never to be restored*; By the twelfth, *If a Bishop deposed, makes Application to the Emperor, and not to a greater Council of Bishops, he is not to be restored.* But now *Athanasius*, being deposed by the *Tyrian Synod*, was restored upon his *Application* to the Emperor, without any *Synod* called to that end, and did execute his Office as Bishop of *Alexandria*; and for this reason, the Council of *Antioch* confirmed his Deposition.

(*e*) Pallad. *vit.* Chrysost. *p.* 78.
(*f*) Hilar. *de Synod. p.* 227, 228.
(*g*) Athanas. *de Synod.*
(*h*) Phot. *Biblioth. Cod.* 257.
(*i*) Euseb. *l.* 10. *c.* 3.

A (*k*) late Author goes about to prove, *That the Canon against* Athanasius *did not pass the Council of* Antioch, *but that it passed an Assembly of* 40 Eusebians, *when the rest were gone:* But this is incredible (as (*l*) *Baronius* his Conceit is ridiculous, who takes the 36 *Mansions* that *Antioch* was distant from *Alexandria* for 36 *Arian Bishops*) and there is no Testi-

(*k*) Schelstraet. *de Concil. Antioch. dissert.* 5. *c.* 3.
(*l*) Baron. *A. D.* 341. *n.* 5.

Testimony of Antiquity to prove it. But there is no reason to imagine any other Canon against *Athanasius* besides these two, for they effectually did his business. That which *Palladius* saith, *That in the Canon it was said, whether the Bishop were deposed justly or unjustly* is very improbable; But that which gave occasion for him to say so was, because the ancient Canon called *Apostolical* 28 had in it the word δικαίως, *justly*, which they left out, the better to effect their Design; That so the merits of the Cause might not be enquired into. But there was an Error in the first Instance committed, not by the Council of *Antioch*, but by that of *Tyre*; unless the extraordinary Summons of that Council by the Emperor's Command, as (*m*) *Eusebius* saith, be a *dispensation*, as to *the regular Proceedings in common Cases*; But there was scarce any thing regular in the Proceeding of that Council; For, according to the Rules of the Church, this Cause ought to have been heard in *Egypt*, by the Bishops there; And they justly complain of the Neglect of this in their (*n*) *Synodical Epistle*; And (*o*) *Liberius* made a reasonable Proposition to *Constantius*; *That a Council might be summoned at* Alexandria; *That this Cause, which had given so much disturbance, should be heard upon the Place, all Parties being present.* Which was the best *Expedient* at last; But the most natural way was to have begun there; And therefore the *Sardican Council* did very well to reduce the *Nicene Canon* about proceeding within the *Province* in the *first Instance*.

(m) Euseb. Constant. c. 41, 42.

(n) Athanas. *Apol.* 2. p. 726, &c.

(o) *Concil. Labb. To.* 2. p. 778.

(2.) *If the Party be grieved at the Sentence passed against him, then that there be a re-hearing of it granted*, Can. 2. This the Council of *Antioch* allow'd, *Can.* 12. *by a greater Synod of Bishops, but takes away all hopes of Restitution from him that made his Appeal to the Emperor.* The meaning of the Canon is, not to exclude an *Address* for a greater *Synod*; but an *Appeal*, to have the *Emperor* reverse the Sentence, without any farther hearing by another Assembly of Bishops. So that the final resort was hereby settled in a greater *Council*, from which no *Appeal* should lie. This *Canon* is supposed to be particularly design'd against *Athanasius*; But I do not find that he made Application to the Emperor to be restored with a *Non-obstante* to the Sentence of the *Tyrian Council*; But to have a more indifferent hearing by *another Council*. So the Bishops of *Egypt* testifie in their *Synodical Epistle* extant in *Athanasius*; But their Proceeding against him at *Antioch* was, because after this he took Possession of his *See* without another Sentence of a *greater Synod*; But the great difficulty is, to reconcile this Canon with the fifteenth of the same Council, *which takes away all Liberty of Appeal from the unanimous Sentence of a provincial Synod.* (*p*) *Petrus de Marca*, a Man of more than ordinary Sagacity in these matters, was sensible of this appearance of *Contradiction*; and he solves it thus, That *no Appeal* is allow'd from a provincial Synod, *Can.* 15. But notwithstanding, by *Can.* 12. there is a Liberty of proceeding by way of *Petition* to the Emperor, for a *re-hearing* the Cause by a *greater Synod*. And in this Case the Emperor was to be Judge, whether it were fit to grant another hearing or not, and although by this Canon, in the Case of a general Consent, no neighbour Bishop could be called in; as they might in case of Difference by *Can.* 14. Yet if the Emperor thought they proceeded *partially*, he might either join Bishops of another Province with them, or call a more general Council out of the Province, as *Constantine* did at *Tyre*. This was the undoubted Right of the Emperors, to call together Assemblies of Bishops for what Causes they thought expedient. But (*q*) *Socrates* expressly

(p) *De Concord. l.* 7. *c.* 2. *n.* 6.

(q) Socr. *l.* 2. *c.* 40.

preſly ſaith, *That no Appeal was allow'd by the Canons of the Church*; For ſpeaking of *Cyril* of *Jeruſalem*'s being depoſed, he ſaith, he appealed to a greater *Court* of *Judicature*, which Appeal *Conſtantius* allow'd; but then he adds, *That he was the firſt and only perſon who, contrary to the Cuſtom and Canons of the Church, made ſuch an Appeal.* *H. Valeſius* contradicts *Socrates*, becauſe of the *Appeal* of the *Donatiſts* to *Conſtantine* from the Council of *Arles*. But this is nothing to the purpoſe; for the Actions of the *Donatiſts* were not regarded; And beſides, their *Appeal* was to *Conſtantine, to hear the Cauſe himſelf*; But here *Cyril* appealed to a greater number of Biſhops, according to the *Canon* of *Antioch*. And then appear'd at the Council of *Seleucia* to have his Cauſe heard.

(r) Baron. A.D. 359. n. 75. (r) *Baronius* is much puzzled with this Expreſſion of *Socrates*, becauſe *it would take away Appeals to the Pope*; But the Eaſtern Biſhops never underſtood any ſuch thing; And *Cyril* made his *Appeal* to *a greater Synod*. The Canons of *Sardica*, which *Baronius* quotes, were not received and ſcarce known in the Eaſtern Church. *Athanaſius* fled to the Weſtern Biſhops, becauſe he was ſo ill uſed in the Eaſt, not becauſe *of any Authority in the Biſhop of* Rome *to receive Appeals*. But *Cyril* went according to the Canons of *Antioch*, making *application* to *Conſtantius* to be heard, by a *greater Synod*. (s) *Sozomen* ſaith, *that* Conſtantius *recommended the Cauſe of* Cyril *to the Council of* Ariminum. But that cannot be, *ſince* (t) *he expreſly forbad the Weſtern Biſhops in that Council to meddle with the Cauſes of the Eaſtern Biſhops*; *And declares, whatever they did in that matter ſhould have no effect*. Therefore the Council to which *Conſtantius* referred this Cauſe, muſt be that of *Seleucia*, which was aſſembled at the ſame time. Which ſeeming to take off from the *Right* of *provincial Synods* eſtabliſhed in the Council of *Nice*, *Socrates* condemns as *uncanonical*, and ſaith, *He was the firſt that proceeded in this method of ſeeking to the Emperor for a greater Council.*

(s) Sozom. l. 4. c. 16.

(t) Hilar. in Fragm. l. 2. p. 44, 45.

But then, (3.) The Council of *Sardica* made an *Innovation* in this matter. For although it allows the liberty of a *re-hearing*, yet it ſeems to take away the Power of granting it from the *Emperor*, as far as in them lay, and gives it to *Julius*, Biſhop of *Rome*, *for the honour of St.* Peter; *And, if he thought fit, he was to appoint the Neighbour Biſhops of the Province to hear it, and ſuch Aſſeſſours as the Emperor was wont to ſend.* To which was added, *Can.* 4. *That no Biſhop ſhould enter into the vacant Biſhoprick upon a Depoſition, and application for a new hearing; till the Biſhop of* Rome *had given Sentence in it:* But then, *Can.* 5. it is ſaid, *That if the Cauſe be thought fit to be re-heard, Letters are to be ſent from him to the neighbour Biſhops to hear and examine it. But if this do not ſatisfie, he may do as he ſees cauſe.* Which I take to be the full meaning of *Can.* 5. And this is the whole *Power* which the Council of *Sardica* gives to the Biſhop of *Rome*.

Concerning which we are to obſerve, (1.) That it was *a new thing*; for if it had been known before, that the ſupreme Judgment in Eccleſiaſtical Cauſes lay in the Biſhop of *Rome*, Theſe *Canons* had been idle and impertinent. And there is no colour in Antiquity for any ſuch judicial Power in the Biſhop of *Rome*, as to *re-hearing of cauſes* of depoſed Biſhops before theſe Canons of *Sardica*; So that (u) *Petrus de Marca* was in the right, when he made theſe *the foundation of the Pope's Power*. And if the *Right* of *Appeal* be a neceſſary conſequent from the Pope's Supremacy; Then the non-uſage of this practice before, will overthrow the claim of *Supremacy*. In extraordinary Caſes, the great

(u) De Concord. l. 7. c. 3. n. 6.

Biſhops

Bishops of the Church were wont to be advised with; as St. *Cyprian*, as well as the Bishop of *Rome*, in the Cases of *Basilides* and *Marcianus*; But if such Instances prove a Right of *Appeals*, they will do it as much for the Bishop of *Carthage* as of *Rome*. But there was no standing Authority peculiar to the Bishop of *Rome* given or allow'd before this Council of *Sardica*. And the learned Publisher of (*w*) *Leo*'s Works hath lately proved at large, *That no one Appeal was ever made from the Churches of* Gaul, *from the beginning of Christianity there to the Controversie between* Leo, *and* Hilary *of* Arles, *long after the Council of* Sardica. But such an Authority being given by a particular *Council* upon *present Circumstances*, as appears by mentioning *Julius* Bishop of *Rome*, cannot be binding to posterity, when that limited Authority is carried so much farther, as to be challenged for an absolute and supreme Power founded upon a *Divine Right*, and not upon the Acts of the Council. For herein the difference is so great, that one can give no colour or pretence for the other. (2.) That this doth not place the Right of Appeals in the *Bishop* of *Rome*, as *Head* of the *Church*; But only transfers the *Right* of *granting a re-hearing* from the *Emperor* to the Bishop of *Rome*. And whether they could do that or not is a great Question; But in all probability *Constantius* his openly favouring the *Arian Party* was the occasion of it. (3.) That this can never justifie the drawing of *Causes* to *Rome* by way of *Appeal*; because the *Cause* is still to be heard in the *Province*, *by the neighbour Bishops*, *who are to hear and examine all Parties*, *and to give Judgment therein*. (4.) That the Council of *Sardica* it self took upon it to judge over again *a Cause* which had been judged by the *Bishop* of *Rome*, viz. *The Cause of* Athanasius *and his Brethren*. Which utterly overthrows any Opinion in them, That the supreme *Right* of *Judicature* was lodged in the Bishop of *Rome*. (5.) That the *Sardican Council* cannot be justified by the Rules of the Church, in receiving *Marcellus* into Communion. For not only the Eastern Bishops in their *Synodical Epistle* say, *That he was condemned for Heresie by the Council at* Constantinople *in* Constantine's *time*, *and that* Protogenes *of* Sardica *and others of the Council had subscribed to his Condemnation*; But (*x*) *Athanasius* himself afterwards condemned him; And (*y*) St. *Basil* blames the Church of *Rome* for admitting him into Communion: And (*z*) *Baronius* confesses, *that this brought a great disreputation upon this Council*, *viz.* the absolving one condemned for Heresie, both before and after that Absolution. (6.) That the Decrees of this Council were not universally received, as is most evident by the known Contest between the Bishops of *Rome* and *Africa* about *Appeals*. If these *Canons* had been then received in the Church, it is incredible that they should be so soon forgotten in the *African Churches*; For there were but two Bishops of *Carthage*, *Restitutus* and *Genethlius* between *Gratus* and *Aurelius*. (*a*) *Christianus Lupus* professes *he can give no account of it*. But the plain and true account is this, There was a Design for a *General Council*; But the *Eastern* and *Western Bishops* parting so soon, there was no regard had by the *whole Church* to what was done by one side or the other. And so little notice was taken of their Proceedings, that (*b*) St. *Augustine* knew of no other than *the Council of the Eastern Bishops*; and even (*c*) *Hilary* himself makes their Confession of Faith to be done by the *Sardican Council*. And the calling of Councils was become so common then, upon the *Arian Controversies*; And the Deposition of Bishops of one side and the other were so frequent, that the

(*w*) *Tom.* 2. *dissert.* 5. c. 14. *&c.*

(*x*) Sulpit. Sever. *l.* 2.
(*y*) Basil. *Ep.* 50.
(*z*) Bar. *A. D.* 347. *n.* 55. *n.* 61.

(*a*) Christian. Lup. *in Can. Sardic. p.* 215.

(*b*) Aug. *c.* Cresc. *l.* 3. c. 34.
(*c*) Nic. Fabr. *Opusc. p.* 39.

remoter Churches very little concerned themſelves in what paſſed amongſt them. Thence the *Acts* of moſt of thoſe *Councils* are wholly loſt, as at *Milan*, *Sirmium*, *Arles*, *Beziers*, &c. only what is preſerved in the *Fragments* of *Hilary*, and the *Collections* of *Athanaſius*, who gathered many things for his own vindication. But as to theſe *Canons*, they had been utterly forgotten, if the *See* of *Rome* had not been concerned to preſerve them; But the *Sardican Council*, having ſo little Reputation in the World; The Biſhops of that *See* endeavoured to obtrude them on the World, as the *Nicene Canons*. Which was ſo inexcuſable a piece of Ignorance or Forgery, that all the Tricks and Devices of the Advocates of that *See*, have never been able to defend.

CHAP. IV.

Of the *Faith* and *Service* of the *Britiſh* Churches.

THE Faith *of the* Britiſh *Churches enquired into.*
The Charge of Arianiſm *conſidered.*
The true State of the Arian *Controverſie, from the Council of* Nice *to that of* Ariminum.
Some late Miſtakes rectified.
Of ſeveral Arian *Councils before that of* Ariminum.
The Britiſh *Churches cleared from* Arianiſm *after it.*
The Number and Poverty of the Britiſh *Biſhops there preſent.*
Of the ancient endowment of Churches before Conſtantine.
The Privileges granted to Churches by him.
The Charge of Pelagianiſm *conſidered.*
Pelagius *and* Celeſtius *both born in theſe Iſlands.*
When Aremorica *firſt called* Britain.
What ſort of Monk Pelagius *was.*
No probability of his returning to Britain.
Of Agricola *and others ſpreading the* Pelagian *Doctrine in the* Britiſh *Churches.*
Germanus *and* Lupus *ſent by a Council of* Gallican *Biſhops hither to ſtop it.*
The Teſtimony of Proſper *concerning their being ſent by* Cæleſtine *conſider'd.*
Of Faſtidius *a* Britiſh *Biſhop.*
London *the chief Metropolis in the* Roman *Government.*
Of Fauſtus *originally a* Britain. *But a Biſhop in* Gaul.

The

The great eſteem he was in.

Of the Semipelagians *and* Predeſtinarians.

Of the Schools of Learning ſet up here by the means of Germanus *and* Lupus.

Dubricius *and* Iltutus *the Diſciples of St.* German. *The number of their Scholars, and places of their Schools.*

Of the Monaſtery of Banchor, *and the ancient Weſtern Monaſteries, and their difference, as to Learning, from the* Benedictine *Inſtitution.*

Of Gildas *his* Iren, *whether an Univerſity in* Britain.

Of the Schools of Learning in the Roman *Cities, chiefly at* Rome, Alexandria *and* Conſtantinople, *and the Profeſſors of Arts and Sciences, and the publick Libraries there.*

Of the Schools of Learning in the Provinces, and the Conſtitution of Gratian *to that purpoſe: extending to* Britain.

Of the publick Service of the Britiſh *Churches; The* Gallican *Offices introduced by St.* German.

The Nature of them at large explained, and their Difference from the Roman *Offices, both as to the Morning and Communion Service.*

The Conformity of the Liturgy of the Church of England *to the ancient* Britiſh *Offices, and not derived from the Church of* Rome, *as our Diſſenters affirm.*

THE Succeſſion of the *Britiſh Churches* being thus deduced from their *original* to the times of the Chriſtian Emperors, it will be neceſſary to give an account of the *Faith* and *Service* which were then received by them.

And it is ſo much the more neceſſary to enquire into the *Faith* of the *Britiſh Churches*, becauſe they are charged with two remarkable Hereſies of thoſe times, *viz. Arianiſm* and *Pelagianiſm*; and by no leſs Authority than that of (*a*) *Gildas* and (*b*) *Bede*.

(*a*) Gild. Epiſt. p. 12. (*b*) Bed. *l.* 1. *c.* 8, 10, 17.

The Charge of *Arianiſm* is grounded upon *the univerſal ſpreading of that Hereſy over the World*, as *Bede* expreſſes it, and therefore to ſhew how far the *Britiſh Churches* were concerned, we muſt ſearch into the Hiſtory of that Hereſie, from the Council of *Nice* to the Council of *Ariminum*, where the *Britiſh* Biſhops were preſent.

It is confidently affirmed by a late (*c*) Writer, *That the* Arian *Faction was wholly ſuppreſt by the* Nicene *Council, and all the Troubles that were made after that were raiſed by the* Euſebians, *who were as forward as any to anathematize the* Arians, *and all the Perſecutions were raiſed by them, under a pretence of Prudence and Moderation; That they never in the leaſt appear'd after the Council of* Nice *in behalf of the* Arian *Doctrine, but their whole fury was bent againſt the word* ὁμοούσιον *and* Athanaſius; *That in the times of* Conſtantius *and* Conſtans *the Cauſe of* Arius *was wholly laid aſide by both Parties, and the only Conteſt was about the word*

(*c*) *R. & L. Part.* 1. *p.* 354. *p.* 374. *p.* 415.

ὁμοούσιον; *That the* Eusebian *Cause was not to restore* Arianism, *but to piece up the Peace of the Church by comprehending all in one Communion, or* p. 468. *by mutual forbearance.*

But if it be made appear, that the *Arian* Faction was still busie and active after the *Nicene Council*; that the Contest about ὁμοούσιον was with a design to overthrow the *Nicene Faith*; that the *Eusebians* great business was, if possible, to restore *Arianism*; then it will follow, that some Mens hatred of *Prudence* and *Moderation* is beyond their Skill and Judgment in the History of the Church: and the making out of these things will clear the History of *Arianism* to the Council of *Ariminum*.

But, before I come to the Evidence arising from the Authentick Records of the Church, it will not be unpleasant to observe, that this very Writer is so great an Enemy to the design of *Reconcilers*, that it is hardly possible, even in this matter, to reconcile him to himself. For, he tells us, that the most considerable *Eusebians* in the Western p. 484. Churches, *viz.* Valens, Ursacius, *and their Associates had been secret* p. 508. Arians *all along*; *that the word* Substance *was left out of the third* Sirmi- p. 510. an *Creed*, *to please* Valens *and his Party*; *who being emboldned by this Creed whereby they had at length shaken off all the Clogs that had been hitherto fasten'd on them to hinder their return to* Arianism, *moved*, *at the Council at* Ariminum, *that all former Creeds might be abolished*, *and the* Sirmian *Creed be established for ever.* Doth this consist with *the* Arian *Factions being totally suppress by the Council of* Nice, *and none ever appearing in behalf of the* Arian *Doctrine after*; *and the* Eusebians *never moving for restoring* Arianism, *but only for a sort of Comprehension and* (d) *R. & L. Toleration?* In another place he saith, (d) *the* Eusebians *endeavoured* Part. 2. *to supplant the* Nicene *Faith*, *though they durst not disown it.* And was p. 3. *the* Arian *Faction then totally suppress while the* Eusebians *remained?* p. 4. These are the Men whom he calls the *old* Eusebian *Knaves*; And for the *Acacians*, he saith, *when they had got the Mastery*, *they put off all* Part. 1. p. 528. *disguise*, *and declared for* Arianism. Is it possible for the same Person to say, that *after the* Nicene *Council*, *they never appeared in behalf of the* Arian *Doctrine* in the Eastern and Western Churches; and yet, *When they put off their Disguise*, *they declared for Arianism?* What is this but appearing openly and plainly for the *Arian* Doctrine? And if we believe so good an Author as himself, their Contest after the *Council* of *Nice* was so far from being merely about the word ὁμοούσιον, that he frequently saith, that Controversie did take in the whole Merits of the Cause, as will appear from his own words in several p. 358. places. As when he speaks of the *Council* of *Nice*, he saith, "The "whole Controversie was reduced to the word *Consubstantial*; which "the *Eusebians* at first refused to admit, as being no Scripture word, "but without its admission, nothing else would satisfie the Council, "and good reason they had for it, because to part with that word "after the Controversie was once raised, would have been, to give "up the Cause; for it was unavoidable, that if the Son were not of "the same substance with the Father, he must have been made out of "the same common and created substance with all other Creatures; "and therefore when the Scriptures give him a greater Dignity of "Nature than to any created Being, they thereby make him of the "same uncreated Substance with the Father; so that they plainly as- "sert his *Consubstantiality*, though they use not the word. But when

"the

" the Truth it ſelf was denied by the *Arian* Hereticks and the Son of " God thruſt down into the rank of created Beings, and defined to be " a Creature made of nothing, it was time for the Church to ſtop this " Hereſie, by ſuch a Teſt as would admit of no Prevarication; which " was effectually done by this word; and, as cunning and ſhuffling " as the *Arians* were, they were never able to ſwallow or chew it, " and therefore it was but a weak part of the *Euſebians* to ſhew ſo " much zeal againſt the word, when they profeſſed to allow the " thing; For if our Saviour were not a mere Creature, he muſt be " of the ſame uncreated Subſtance with the Father, becauſe there is " no middle between created and uncreated Subſtance; ſo that who- " ever denied the *Conſubſtantiality* could not avoid the Hereſie of *Pau-* " *lus Samoſatenus*, which yet the *Arians* themſelves profeſſed to defie; " for if he were a mere Creature, it is no matter how ſoon, or how " late he was created.

And therefore it is not to be imagined that the *Euſebians* ſhould really believe the *Conſubſtantiality* of the Son, and yet ſo vehemently oppoſe the *uſe* of the *word*. Would any Men of common ſenſe, who did believe the Bread and Wine in the *Euchariſt* to be turned into the very Body and Blood of *Chriſt*, ſet themſelves with all their force and intereſt to overthrow the term of *Tranſubſtantiation?* So, if the *Euſebians* did believe the Son of the ſame *Subſtance* with the Father, to what purpoſe ſhould they cabal ſo much as they did all the Reign of *Conſtantius*, to lay aſide the word ὁμοούσιος; If it be ſaid, *It was by way of Comprehenſion, to take in diſſenting Parties:* then it is plain they were really diſſenting Parties ſtill, and conſequently did not differ only about the *Uſe* of a *Word*, but about the *Subſtance* of the *Doctrine*. And as thoſe who do believe the Doctrine of *Tranſubſtantiation*, are for the *Uſe* of the *Word*; and thoſe who believe it not, would not have the *Word* impoſed; ſo it was in all the Councils under *Conſtantius*, thoſe who chiefly oppoſed the Word *Conſubſtantial*, did it, becauſe they liked not the *Doctrine*; and thoſe who contended for it, did it, becauſe they knew the Doctrine was aimed at under the Pretence of laying aſide *an unſcriptural Word*. And the ſame Author tells us from St. *Hilary*, " the Conſequence of ſhutting out the Word ὁμοούσιος was, p. 484. " that it muſt be decreed either that the Son was a Creature made out " of nothing, or out of another Subſtance uncreated and diſtinct from " the Divine Nature. And when he gives an account of the Council of *Seleucia*, held at the ſame time with that of *Ariminum*, he ſaith, *They brake into two Parties, of the* Acacians, *who defied the Council of* p. 520. Nice *and all its Decrees, and the old* Euſebians, *who pretended to ſtick only at the Word* Conſubſtantial: and upon their Appeal to the Emperor, there are theſe two things remarkable. 1. That thoſe who were for *laying aſide all diſcriminating Words* were *Arians* of the higheſt ſort, p. 522. *viz.* Aetians, *who held the Blaſphemy of Diſſimilitude.* 2. That thoſe who were for retaining the word *Subſtance* went on this Ground, *That if God the Son exiſt neither from nothing nor from any other ſubſtance, then he muſt be of the ſame ſubſtance with the Father. Which was the very Argument*, he ſaith, *approved by the Council of* Nice *for ſettling the word* p. 524. ὁμοούσιος. This is a ſufficient Argument to me, that thoſe who from the Council of *Nice* did chiefly oppoſe that Word, did it with a Deſign to overthrow the Doctrine of the Son's being of the ſame ſubſtance with the Father. Which will more fully appear by a brief deduction of

of the *Arian History* from the Council of *Nice* to that of *Ariminum*; not from modern Collections, but from the beſt Writers about that time.

The *Arian Faction* finding themſelves ſo much overvoted in the Council of *Nice*, that they deſpaired to carry any thing there by fair means; betook themſelves to fraudulent Arts, hoping thereby to hinder either the paſſing or the executing any Decree againſt them. At firſt, they endeavoured to blind and deceive the Council by ſeeming to profeſs the Orthodox Faith, but they made uſe of ſuch ambiguous Forms of Words as might ſerve their ends, by couching an Heretical Senſe under a fair appearance of joining in the ſame Faith with the reſt. (*e*) (*f*) This being diſcovered by the more ſagacious Defenders of the old Chriſtian Faith, they at length fixed upon the term ὁμοούσιον as the only effectual Teſt to diſcriminate the *Arians* from others; and when they had uſed their utmoſt skill and endeavour to keep this Teſt from paſſing, and found they could not prevail, they bethought themſelves of another way to keep the *Faction* alive, although the *Hereſie* might ſeem at preſent to be totally ſuppreſt. And that was, by ſuffering *Arius* and his two faſt Friends, *Secundus* and *Theonas*, to be condemned by the Council, and to be baniſhed by the Emperor; but the chief Heads of the Faction, *Euſebius* of *Nicomedia*, and *Theognis* of *Nice*, with others, reſolved upon an *Expedient* to clear themſelves, and yet to keep up the Faction; which was, by ſubſcribing the Confeſſion of Faith, and denying to anathematize *Arius* and his Followers. This is plain from the Epiſtle of *Euſebius* and *Theognis*, extant in (*g*) *Socrates* and (*h*) *Sozomen*, wherein they own their *Subſcription to the Decree of Faith*, but declare, *That they utterly refuſed to ſubſcribe the Anathema againſt* Arius *and his Adherents; becauſe they did not believe them guilty of the Hereſie charged upon them; as they found both by Writing and Converſation with them.* This *Epiſtle* was written by them during their Baniſhment, in order to their return to their Biſhopricks, from which they had been driven by *Conſtantine*'s own Order; and the Reaſon of it is given in his *Epiſtle* to the Church of *Nicomedia*, viz. (*i*) *for communicating with the* Arians *whom he had cauſed to be removed from* Alexandria *for their Hereſie and Diſturbance of the Peace of the Church there*; and the ſame Account is given of it in the Synodical Epiſtle of the Biſhops of *Egypt* extant in (*k*) *Athanaſius*. Which ſhews their Reſolution to keep up the *Faction* in ſpite of the *Council* of *Nice*: For if they had any regard to the Decree there paſt, they would not have preſumed to have communicated with thoſe who were expreſly *anathematized* by the *Council*; and had very hardly eſcaped it themſelves, as *Conſtantine* there upbraids them in his *Epiſtle*. But, upon this notorious Contempt, they were depoſed from their Biſhopricks, and ſent into Baniſhment; where they grew very uneaſie, and reſolved upon any Terms to be reſtored; knowing that if they continued there, the *Faction* was indeed *in danger to be wholly Suppreſt*: And, for that end, they wrote that ſubmiſſive Letter to the leading Biſhops, promiſing an univerſal Compliance upon their Reſtauration. And the main ground they built their Hopes upon, was, *becauſe* Arius *himſelf upon his ſubmiſſion was recalled*; as they declare in the end of that Epiſtle.

(*e*) Athanaſ. *de Synod. Arim. & Seleuc. p.* 921.
(*f*) Theod. *l.* 1. *c.* 8.
(*g*) Socr. *l.* 1. *c.* 14.
(*h*) Soz. *l.* 2. *c.* 16.
(*i*) Theod. *l.* 1. *c.* 20.
(*k*) Athanaſ. *Apol. p.* 727.

Which

Which Intrigue was carried on by (*l*) (*m*) a secret *Arian*, Chaplain to *Constantia*, the Emperor's Sister, recommended to the Emperor at her Death; who, being received into Favour, whisper'd into his Ear very kind things concerning *Arius and his Adherents*; adding, that they were unjustly banish'd, and that the whole Controversie was nothing but a *Pique* which the Bishop of *Alexandria* had taken against one of his *Presbyters*, for having more Wit and Reputation than himself; and that it would become *Constantine*, in point of Honour and Justice, to recall *Arius*, and to have the whole matter examined over again. Upon this *Arius* is sent for, and bid by the Emperor to set down his Confession of Faith plainly and honestly; which is extant in the Ecclesiastical Historians, under the Name of *Arius* and *Euzoius*, and was framed in such a specious manner, as made the Emperor believe that *Arius* was indeed of the same Mind with the *Nicene Fathers*, only leaving out the word *Consubstantial*. But he would not undertake to determine himself, whether he should be received into Communion upon this; but he referr'd the whole matter to the Bishops then met at *Jerusalem*; who, saith *Sozomen*, *unanimously approved this Confession of Faith, and wrote a Circular Letter upon it for receiving* Arius *and his Adherents into Communion*; notwithstanding the peremptory Decree of the Council of *Nice* to the contrary. Which Epistle is extant in (*n*) *Athanasius* who looks on it as the first Blow given to the Authority of the *Council* of *Nice*; And he understands it of that *Arius*, who was Author of the Heresie, and not of the other *Arius*, as some modern Writers do.

(*l*) Socr. *l.* 1. c. 25. (*m*) Soz. *l.* 2. *c.* 27.

(*n*) Athanas. *Apol.* p. 801. & *Synod. Arim. & Seleuc. p.* 899, 891.

And here, Athanasius saith, *they began to open their Design in favour of the* Arian *Heresie, which till then they had concealed.* For they knew that work was not to be done at once; but this was a good step towards the lessening the Authority of the *Nicene Council*; which being once removed, the *Faction* did not question they should be able to set up *Arianism* speedily. They were not so plain hearted to declare presently for what they aimed at; nor to put it to the Vote, whether the *Nicene Faith* should be destroyed or not. For that, having the great Advantage of so publick a Settlement, and such a general Consent of the Christian World, it was not to be overthrown at once, nor by open violence, but to be taken in pieces by degrees; and the generality were to be cheated into *Arianism*, under other pretences and insinuations. And the first thing was, to perswade the World, that the *Arians* had been hitherto misunderstood, and their Doctrine misrepresented by such factious and busie Men as *Athanasius*, and a few others, therefore it was absolutely necessary to weaken the Authority of the Council, as being influenced by a small number of Men who overswayed the rest; Neither was it safe to begin with the Matter of Faith, for that would give too great an Alarm; but it was a much more plausible way to bring the *Arians* into Communion, as being much misrepresented and not owning the Doctrines which the *Athanasian Party* did charge them with, and being once joined in Communion together, it would be fit to lay aside all Terms of *Discrimination*, as tending to *Faction*; especially such as were lately set up, to put a distinction between the *Arians* and others. And when these things were done by other Councils, the Authority of the Council of *Nice* would fall to the Ground, and, as they supposed, the *Nicene Faith* together with it. But such Designs could not be carried on so secretly and subtilly, but the wiser sort suspected what was doing, as *Athanasius* saith; *p.* 891. and therefore they soon called another Council at *Antioch*, where they made

made vehement Proteſtations to the contrary. *We*, ſay they, *are no followers of* Arius; *for, being Biſhops, how can we follow a Presbyter?* As though the World could be deceived by ſuch pitifull Reaſonings. But after they declare, *That they embraced none but the ancient Faith*, but withall confeſs they had received *Arius to Communion*; and then make a Profeſſion of their Faith very agreeable to that of *Arius* and *Euzoius*, delivered to *Conſtantine*; wherein they aſſert *the Coeternity of the Son with the Father*, but leave out his being *of the ſame Subſtance*. But fearing this would not give ſatisfaction, they added another, where-
(o) Ath. p. 892. in they owned (o) *the Son to be God of God, Lord of Lord, the unchangeable Image of his Deity, Subſtance, Will, Power and Glory:* but after, they expreſs themſelves more fully, when they ſay, *they believe three diſtinct hypoſtaſes and an unity of conſent*; which overthrows the *Nicene* Faith, it being built on the *unity* of *Subſtance* and not of *Will*. It cannot be denied, that the crude expreſſions of *Arius* in the firſt Heat of the Controverſie were here rejected, viz. *that there was a time before the Son was, or that he was a Creature like other Creatures*; for they knew theſe expreſſions would not then be born, and therefore they were forced to refine *Arianiſm* to the utmoſt degree, to make it paſs down the better, till the prejudice againſt it by the Council of *Nice* were wholly removed. To which end they ſet forth ſeveral other Confeſſions of Faith to prevent the ſuſpicion of what they aimed at; but theſe were in the time of *Conſtantius*.

I return therefore to the Reign of *Conſtantine*, which excellent Prince
(q) Soz. l. 3. c. 1. (p) would ſuffer no alteration to be made in the *Nicene* Faith in his time; and therefore the *Secret Arians* were forced to great diſſimulation and hypocriſie, and to carry on their deſign under other pretences.
(q) Theod. l. 1. c. 5, 7. So (q) *Theodoret* ſaith, *That* Euſebius *and his Party outwardly complied in the Council of* Nice *out of fear*; and he applies to them the ſaying of the Prophet, *This People honoureth me with their lips, but their heart*
(r) l. 1. c. 19. *is far from me.* And elſewhere he ſaith, (r) *The* Arians *in the Council ſubſcribed to the* Nicene *Faith, that being in Sheeps clothing, they might*
(s) Soz. l. 2. c. 21. *devour like ravening Wolves.* (s) *Sozomen* ſaith, *It was reported that* Euſebius *and* Theognis, *after their return from Baniſhment, corrupted the Perſon to whom the Subſcriptions of the Council of* Nice *were committed, and raſed out their own Names; and then openly declared againſt the Son's being of the ſame Subſtance with the Father: and that even to* Conſtantine *himſelf.* But that doth not ſeem credible to me. It being much more
(t) Socr. l. 1. c. 23. *probable*, which (t) *Socrates* relates, viz. *That* Euſebius *and* Theognis *having recover'd the poſſeſſion of their Churches upon their return from Baniſhment had frequent acceſs to the Emperor, who honoured them as his Converts*; and under that Pretext of embracing the *Nicene* Faith, did more miſchief than otherwiſe they could have done: and ſo made a very great Diſturbance in the Church: which he imputes partly *to their love* of *Arianiſm*, and partly to their *hatred* of *Athanaſius:* but the latter, as *Athanaſius* at large proves, was on the account of the former.

For, it being their Deſign to introduce *Arianiſm*, without owning it, next to their leſſening the Authority of the Council of *Nice*, the moſt effectual means they could think of was, by all poſſible Arts, to blacken and render odious, thoſe Perſons who moſt vigorouſly defended the *Nicene* Faith. And from hence began the great quarrel againſt *Euſtathius*, Biſhop of *Antioch*, and *Athanaſius*. As to the former, he
(u) Theod. l. 1 c. 8. gives an Account in the *Fragment* of a *Homily* extant in (u) *Theodoret*,

" what

" what shuffling the *Arians* used in the Council of *Nice* to preserve " their Bishopricks; and, for that Reason, subscribed to the Decree of " Faith; and so, having escaped the Censures they deserved, they did " sometimes secretly, sometimes openly, propagate the Opinions there " condemned. One of their great Arts, he saith, was to decline such " as well understood the Controversie, and made it their business to " oppose them. And so *Eustathius* himself found to his sorrow. For, *Eusebius* of *Nicomedia* and his Party, meeting together at *Antioch*, whom (*w*) *Theodoret* expressly calls *the* Arian *Faction*, they there proceeded to the deposing *Eustathius*, upon the Accusation of an infamous Person suborned to that purpose, and afterwards prevailed with *Constantine* to banish him; which being done, *Theodoret* saith, *There was a Succession of Bishops, who were secret* Arians, *as of* Eulalius, Euphronius *and* Flaccillus; *and that was the Reason the Orthodox Party then separated themselves, and were called* Eustathians. (*x*) *Socrates* and (*y*) *Sozomen* confess, *that the quarrel about* Arianism *was renew'd soon after the Council of* Nice *both in* Egypt *and in* Bithynia, Hellespont *and* Constantinople. But *Socrates* saith, *It was begun about the word* ὁμοούσιος, which was indeed the Pretext of the Quarrel, but the true Ground was *Arianism. Socrates*, being a Man not throughly versed in these Matters, blames both sides, *for contending about they knew not what; both agreeing in the same Doctrine, and yet not agreeing among themselves.* But he did not penetrate into the depth of the *Arians* Designs, as *Theodoret*, a Man of far greater Judgment and Learning did. And he proves from *Eustathius*, an eminent Bishop of that time, and one present in the Council of *Nice*, that *Arianism lay at the bottom*; and that they complied at first only out of Fear, but had the same hatred to the true Faith they ever had; but after the Council they durst not so openly shew it. (*z*) *Sozomen* saith, *the* Arian *Party charged those who asserted* Christ *of the same Substance with the Father* (as the Council of *Nice* had determined) with *Sabellianism* and *Blasphemy*; and *the followers of the* Nicene *Faith charged the others with Idolatry and Innovation; as asserting three distinct Gods as to Substance, when the Council had declared the Son of the same Substance with the Father.* And he ingenuously confesseth, that it was generally believed that *Eustathius* was deposed at *Antioch* for adhering to the *Nicene* Faith, and declaring himself against the *Arian* Party then prevailing in the East.

(*w*) Theod. *l.* 1. *c.* 21.

(*x*) Socr. *l.* 1. *c.* 23. (*y*) Soz. *l.* 2. *c.* 21.

c. 22.

(*z*) Soz. *l.* 2. *c.* 18.

c. 19.

Who finding such success in their first attempt on *Eustathius*, they next proceed against *Athanasius*, the other great Champion of the Council of *Nice*. They (*a*) had conceived an inveterate hatred against him for his great zeal and activity in that Council, but their rage brake forth, after they heard that he succeeded *Alexander* in the See of *Alexandria*. *Eusebius* of *Nicomedia* was his mortal Enemy, who was removed to be near the Court, (though against the Canons;) yet he brake through all, thereby to have opportunity to fill the Emperor's Mind with Jealousies and Suspicions of all those that opposed them, and especially of *Athanasius*. And (*b*) *Socrates* gives the true Reason of the great Spite against *Athanasius*, viz. *that unless he were removed, there was no hopes of the* Arian *Doctrine prevailing:* which he there confesses was the thing the *Eusebians* aimed at. And now they thought such a Snare was laid for *Athanasius*, which it was hardly possible for him to escape. For, upon *Arius* his Submission, they advise *Constantine* to send him to *Alexandria*, there to be received by *Athanasius*, as the only way to put an end to all the

(*a*) Athan. *Apol.* 2. *p.* 725, 726.

(*b*) Socr. *l.* 1. *c.* 27.

Disturbances of the Church. Away goes *Arius* with the Emperor's Command to *Athanasius*: Who, according to their imagination, (*c*) refusing to admit him, being anathematized by the Council, as the (*d*) first Broacher of a dangerous Heresie, they easily exasperated the good Emperor against him, as a seditious and turbulent Person; and so plied him with one Accusation upon another; that at last *Constantine* sent for him to appear before him upon an Information against him of no less than Treasonable Practices. But upon a full hearing of the Matter by the Emperor himself, (*e*) he was acquitted, and sent back with Marks of his Favour and vindication of his Innocency; in an Epistle to the People of *Alexandria*, part of which is extant in (*f*) *Sozomen* and (*g*) *Theodoret*, but at large in (*h*) *Athanasius*. One would think this should have discouraged his Enemies from any farther Prosecution of him; but these *Eusebians* were Men of restless, ambitious, implacable Spirits, that scrupled no means to compass their ends, which they thought they could never do, unless they could blast the Reputation of *Athanasius*. To this end, they laid a most malitious design against him. First, (*i*) they draw in the (*k*) *Meletian Party* in *Egypt* to join with them; who hoped to get their ends one upon the other afterwards; but at present they were willing to join together against their common Enemy; for so *Athanasius* was accounted by them. And (*l*) *Eusebius* promised the *Meletians* great favour at Court, if they would manage the business against *Athanasius*: which they undertook; and by their means so many Complaints were brought against *Athanasius* to the Emperor, that he was forced for the general Satisfaction, to appoint a Council at *Tyre*, which was according to the *Eusebians* desire, where things were managed with so little regard to Justice or common Honesty, that, after he had plainly cleared himself as to the main Accusations, he yet found they were resolved to condemn him; and therefore he privately withdrew from thence to the Imperial Court, to acquaint the Emperor with the horrible Partiality there used. Upon (*m*) this he writes a very smart Letter to them, and requires them to come speedily to him, (*n*) to give him an account of their violent Proceedings. They send a select Number of their Party to Court with *Eusebius* of *Nicomedia* in the Head of them, who there quit all the Accusations brought against *Athanasius* at *Tyre*, and start a new one which touched the Emperor in a very tender part, viz. *That he had threatned to hinder the bringing Corn from* Egypt *to* Constantinople; which was in effect to threaten the starving his beloved City; which nettled the Emperor so much, that it transported him beyond his usual Temper, and immediately he gave order for banishing *Athanasius* into *Gaul*. Not long after *Constantine* died, *but before his death*, saith (*o*) *Theodoret, he gave order for the recalling* Athanasius, *to the great regret of* Eusebius *of* Nicomedia *then present.*

(*c*) Soz. *l.* 2. *c.* 18. *c.* 22.
(*d*) Athanas. *Apol. p.* 778.
(*e*) Socr. *l.* 1. *c.* 27.
(*f*) Soz. *l.* 2. *c.* 22.
(*g*) Theod. *l.* 1. *c.* 27.
(*h*) Athanas. *Apol. p.* 779.
(*i*) Soz. *l.* 2. *c.* 24.
(*k*) Athanas. *Apol. p.* 777.
(*l*) Socr. *l.* 2. *c.* 22.
c. 25.
(*m*) Socr. *l.* 1. *c.* 11.
(*n*) Athan. *Apol.* 803.
(*o*) Theod. *l.* 1. *c.* 32.

Let any one now judge, whether *in* Constantine's *time the* Arian *Faction were wholly suppress; and whether* Eusebius *and his Party were men that only pretended to Prudence and Moderation*; Who made use of the most malitious, unjust, abominable means, to suppress the chiefest Opposers of the *Arian* Faction? What will not such men say to serve a turn, who dare to tell the World, *That the* Eusebians *were no less Enemies to the* Arians *than to the orthodox, and that it is a great and common Mistake, that* Eusebius *was the ring-leader of the* Arian *Faction?* If it be a Mistake, others have it from *Athanasius*, and it is hard to believe that man ever read (*p*) *Athanasius* his Writings, who dare say the

(*p*) Athan. *Apol.* 2. *p.* 777.

the contrary. All the Bishops of *Egypt* in their Synodical Epistle from *Alexandria* charge the (*q*) *Eusebians* with *a restless desire to promote* Arianism; and affirm, *that their malicious prosecution of* Athanasius *was for no other end*; that *their Councils were called with a Design to overthrow that of* Nice; *that they had written against them as* Arians; *that the* Eusebians *joined with the* Meletians *only for the sake of* Arianism; *that the Persons sent by the Council of* Tyre *into* Egypt *were* Arians, *and therefore declared Enemies*; *and whatever their pretences were, nothing but the advancing* Arianism *lay at the bottom.* Were so many Bishops guilty of so gross a Mistake, who had certainly greater opportunity of knowing, and skill in judging the Men and their Designs than the most quick-sighted Person of our Age can have? It would be endless to recite all the passages in *Athanasius* his Apology, and Epistles, and Discourses of the Councils of *Ariminum* and *Seleucia*, to prove that the *Eusebians* carried on the *Arian* Design, since a great part of them is spent in the proof of it. But we are told, with confidence enough, *that the Synod of* Alexandria, *in their Synodical Epistle, do not in the least accuse the* Eusebians *of* Arianism, *but only of holding Communion with them, i. e.* with the *Arians.* This cannot but seem strange to any one that will be at the pains to peruse that excellent Epistle. And even in that page, it is expressly said, (*r*) *their violent and malicious proceedings against* Athanasius *were on purpose to discourage others from daring to oppose* Arianism; *and this with a particular design to introduce that Heresie.* Could any Men be thought to take so much pains to set up a Doctrine they had no kindness to? *i. e.* Would any but *secret Arians* endeavour to set up *Arianism?* Unless we suppose them such Tools to be made use of by others to do their business, and then to be laid aside. But the *Eusebians* were no such mean *Politicians*; for they were at the top of business, having all the advantages and opportunities to carry on their own ends; and therefore we have all the Reason in the World to conclude them *secret Arians*, who were at so much trouble to lessen the Credit of the *Opposers* of *Arianism*: Which they look'd on as one of the most effectual means to introduce it. And although they did not openly declare themselves *in behalf of the* Arian *Doctrine, after the Council of* Nice; which had been to hinder their own Design, in the time of *Constantine*; yet they made use of all the Methods which bad Men do to carry on their ends; *viz.* by false Insinuations, lying Pretences, and all manner of malicious Proceedings against those who stood in their Way; as is most notorious in the case of *Athanasius.*

(*q*) Athanas. *Apol.* 2. *p.* 727, 728. *p.* 731. *p.* 733. *p.* 736.

(*r*) Athan. *Apol.* 2. *p.* 738.

After the Death of *Constantine* we are told, *that all the Councils under* Constantius *that are commonly accounted* Arian, *have as fully and clearly condemned* Arianism, *as the* Nicene *Council it self*; *It is true, they could not digest the Word* ὁμοούσιον; *but otherwise, as for the whole Scheme of* Arianism, *they have in all their Creeds anathematized it with all clearness and fulness of Expression.* This is somewhat strange Doctrine for one who pretends to have read *Athanasius*, who hath taken so much pains to lay open the juggling of the *Arian Faction* in all those Councils; and, one would think, by this manner of Writing, such a Man took a particular pleasure in contradicting him. For in his (*s*) Book of the Councils of *Ariminum* and *Seleucia*, he saith, *none of the Councils under* Constantius *could be brought to anathematize the* Arian *Heresie, as the Council of* Nice *did.* He saith, *that* Constantius *himself was an* Arian *Heretick,*

(*s*) Athanas. *de Synod. Arim. & Seleuc.* *p.* 873. *p.* 870.

p. 889. *and that his chief Design in all those Councils was, to take away the force*
p. 874 *of the Council of* Nice. He saith indeed, *they were not such Fools to own this, but this was the true Reason of all the Councils they called, and the di-*
p. 870. *sturbance they made, to the great Scandal of the Christian World.* Nay, he
p. 874. saith, *that in all their Councils they never once mention'd the* Arian *Heresie as an evil thing: and if any Heresies were mention'd, the* Arian *was excepted, which the* Nicene *Council anathematized; and they received with great kindness such as were known to be* Arians; *which is an Argument that the calling these Councils was not for establishing the Truth, but for overthrowing the Council of* Nice. And to shew what *Constantius* his
p. 907. own Mind was, he observes, *that when he came to die he would be baptized by none but* Eunomius, *who had been several times deposed for* Arianism; *and he there affirms, that* Constantius *continued an* Arian *to the last.* As
p. 909. to the Word ὁμοούσιος about which so much stir was made, he takes notice, *that all the offence that was taken at it, was by the* Arians; *and the true Cause was, because it struck at the root of their Heresie.* And as to the Word *Substance, he wonder'd they should so vehemently oppose it, when themselves confessed, the Son was from the Father; for either he must be from something without him, or something within him distinct from his Substance, or he must be of the Substance of the Father; or they must make the Word and the Son to be no real Substance, but mere Names; and so they did not really believe what they expressed.* And he farther shews, *that no other way*
p. 910. *of speaking doth sufficiently express the Difference between the Son of God and his Creatures; which are only the effects of God's Will.* From whence
p. 914. he concludes, *that the opposition to these Terms,* whatever was pretended, *was from a dislike of the Doctrine established in the Council of* Nice. *For if it had been a mere doubt about the signification of the Words, they ought*
p. 915. *to have explained their own sense, and withall to have condemned the* Arian *Heresie.*

It cannot be denied that there were some who agreed in the Substance of the Doctrine with the Council of *Nice*, but yet disliked the
ibid. Term ὁμοούσιος; as to these *Athanasius* confesses them to be *Brethren*; as long as *they acknowledged the Son not to be a Creature, nor to be from another Substance distinct from the Father.* And among these he reckons
p. 916. *Basilius* of *Ancyra*; whose Doctrine he doth not seem to dislike, provided that to the *similitude of Substance in the Son* they add *his being of the Substance of the Father.* And in this sense the τὸ ὁμοιούσιον comes to the same with the τὸ ὁμοούσιον. There were two great Arguments, there used against the Term ὁμοούσιος; The first was; *that it implied a Partition or Division of the Divine Substance, as a Son among Men is said to be of the same Substance with his Father, but so, as that there is a Division of the same common Nature in the several individuals.* To this *Athanasius* answers, "That the Divine Generation must not be appre-
" hended like the humane; but our Conceptions of God must be a-
" greeable to the Divine Nature; and therefore we must not imagine
" the Son of God to be of the Substance with the Father, after the
" same manner that the Son of Man is. For, as he is the Son, so he
" is the Word and Wisdom of the Father: and the internal Word
" or Conception in Man is no divisible part of himself; but lest the
" Notion of *Word* should seem to destroy his real Subsistence, therefore
" the Notion of *Son* is added in Scripture to that of *Word*; that we
" may know him to be a *living Word* and *substantial Wisdom*. So that
" when we say, the Son is consubstantial to the Father, we understand

" it

" it not by way of Diviſion, as among Bodies, but abſtracting our " Minds from all corporeal things, we attribute this to the Son of " God, in a way agreeing to the Divine Nature, and mean by it, that " he is not produced by his *Will* as the Creatures are, nor merely his " Son by *Adoption*; but that he is the *true Eternal Son of God*; by " ſuch an emanation as Splendour from Light, or Water from the " Fountain. And therefore when they interpreted the Term *Son* in a " way agreeable to the Divine Nature, he wonders they ſhould ſtick ſo " much at the word *Conſubſtantial*, which was capable of the ſame " Interpretation. The ſecond Objection was, *That thoſe who condemned the* Samoſatenian *Hereſie, rejected the Word* ὁμοούσιον. In anſwer to this, *Athanaſius* ſhews; " That the Word was ſo much uſed and al- *p.* 918. " lowed in the Chriſtian Church before the *Samoſatenian* Hereſie was " heard of, that when *Dionyſius* of *Alexandria* was accuſed to *Dionyſius* of *Rome*, for rejecting it; the Council thereupon was ſo much " concerned, that the Biſhop of *Rome* wrote their ſenſe to the Biſhop " of *Alexandria* about it, he returns an Anſwer, wherein he owns all " the ſenſe contained under it, as appears by his Epiſtle in *Athanaſius*; " but for thoſe who oppoſed *Paulus Samoſatenus*, he ſaith, they took " the Word in a corporeal ſenſe, as if it implied a diſtinct Subſtance " from the Father; But, ſaith he, thoſe who condemned the *Arians* " ſaw farther into this matter; conſidering that it ought not to be " applied to the Divine Nature as it is to corporeal Subſtances; and " the Son of God not being a Creature, but begotten of the Sub- " ſtance of the Father; therefore with great Reaſon they uſed the " Word ὁμοούσιον, as being moſt proper to expreſs the Senſe of the " Chriſtian Church againſt the *Arian* Hereſie; as he ſhews there *p.* 920. 921. " at large.

From theſe paſſages of *Athanaſius* it appears that there was a *third Party* then in the Church diſtinct from the *Niceniſts* and the *Euſebians*. The former would by no means yield to any relaxation of the Council of *Nice*; becauſe they evidently ſaw that this Deſign was carried on by thoſe who made it their buſineſs under that pretence to introduce *Arianiſm*, who were the *Euſebians*. But there were others extremely concerned for the Peace of the Church, and on that account were willing to let go the Term ὁμοούσιον, hoping the Doctrine might be ſecured by other Expreſſions; and this facility of theirs gave the greateſt advantage to the *Euſebian Party* in all their Councils, who continually almoſt over-reached and out-witted them, under the pretence of *Accommodation*. For by this Artifice they gained their Votes, and when they had them, made uſe of them merely to ſerve their own Deſigns; as appears by the Account the Hiſtorians give of the management of the *Arian* Affairs under the Reign of *Conſtantius*.

(*t*) *Socrates* ſaith, *that immediately after the death of* Conſtantine, Euſebius *and* Theognis, *the Heads of the* Arian *Faction, apprehended it now to be a convenient ſeaſon for them to throw down the* Nicene *Faith, and to ſet up* Arianiſm; *and to this purpoſe they endeavoured to hinder* Athanaſius *from returning to* Alexandria. *But firſt they gained the Eunuchs and Court-favorites, then the Wife of* Conſtantius *himſelf, to embrace* Arianiſm: and ſo the Controverſie of a ſudden ſpread into the Court, Camp, Cities and all Places of the Eaſt; (for the Weſtern Churches continued quiet during the Reign of *Conſtans*, to whoſe ſhare all the Weſtern Provinces in a ſhort time fell.) After the Death of *Alexander*, (*t*) Socr. *l.* 2. *c.* 2. *l.* 2. *c.* 26.

der, Biſhop of *Conſtantinople*, the two Parties openly divided in the
c. 6. Choice of a Succeſſour; the one chuſing *Paulus*, and the *Arians*, *Macedonius*; this nettled *Conſtantius*, who coming to *Conſtantinople* calls a Council of *Arian* Biſhops, who depoſe *Paulus*, and ſet up *Euſebius* of *Nicomedia*; who preſently falls to work, going with the Emperor to *Antioch*, where, under the pretence of a *Dedication*, as is obſerved in the precedent Chapter, a Council of ninety Biſhops was aſſembled;
c. 8 *but the Deſign was*, ſaith *Socrates*, *to overthrow the* Nicene *Faith*. Here they made ſome Canons to enſnare *Athanaſius* (of which before.) As to the matter of Faith, they durſt not openly propoſe the nulling the Council of *Nice*; but they gained this great Point, That the Matters of Faith might be diſcuſſed after it, and ſo they ſet open the Gate for New Councils which by degrees might eſtabliſh the *Arian* Hereſie.

(*u*) Soz. *l.* 3. *c.* 1. (*u*) *Sozomen* ſaith, *that after the death of* Conſtantine *the ſecret* Arians *began to ſhew themſelves more openly*; *among whom* Euſebius *and* Theognis *eſpecially beſtirr'd themſelves to advance* Arianiſm. He agrees with *Socrates* as to the ſpreading of it in the Court and elſewhere; and in the other particulars, to the Council at *Antioch*; but he ſaith, *they*
c. 5. *framed their Confeſſion of Faith in ſuch ambiguous Terms, that neither Party could quarrel with the Words*. But they left out any mention of the *Subſtance of Father and Son*, and the Word *Conſubſtantial*; and ſo in effect overthrew the Council of *Nice*.

This is that *Confeſſion of Faith*, which the Council in *Iſauria* called
(*w*) Athanaſ. *de Synod p.* 904. *p.* 895. (*w*) *the Authentick one made at* Antioch *in the Dedication*. But it was not ſo *Authentick* but they thought good to alter it; and ſome Months after ſent another to *Conſtans* to explain themſelves more fully; whereby they reject thoſe who ſaid, *the Son was made of Nothing or of another Hypoſtaſis, and not from God*. Who could imagine theſe to have been any other than very ſound and orthodox Men? Eſpecially when three years after, they ſent a larger Confeſſion of Faith into the Weſtern Parts for their own Vindication, wherein *they anathematize thoſe who held three Gods, or that* Chriſt *was not God, or that he was begotten of any other Subſtance beſides God*, &c. But that there was *juggling* under all this appears, becauſe, as *Athanaſius* obſerves, they were ſtill altering their *Forms*; for this again was changed ſeveral times at *Sirmium*, before they reſolved upon that which was to be carried to the Council of *Ariminum*. And although the difference in the matters of Faith as delivered by them ſeem'd now very nice and ſubtle, yet they were irreconcilably ſet againſt the Council of *Nice* and all that adhered to it. Which was a plain Evidence that they concealed their Senſe under *ambiguous Words*, or that they ſaw it neceſſary at preſent to ſeem Orthodox, that ſo they might the better ſet aſide the Council of *Nice*; which being once effected, it would be an eaſie matter to ſet up *Arianiſm*, which was the thing they deſigned.

This Intrigue was not diſcovered fully till after the Council of *Ariminum*, but was certainly carried on all along by the *Euſebian Party*, who without theſe Artifices could never have deceived the Eaſtern Biſhops, who joined with them till they more openly declared themſelves in the Council of *Seleucia*; and then the difference was not between the *Acacians* and *Euſebians*, as ſome have weakly conjectured, but between the *old Euſebians*, who now appear'd to be *Arians* under the

the Name of *Acacius*, and the Followers of *Basilius* of *Ancyra*, who stuck chiefly at the word ὁμοούσιος; of whom *Athanasius* speaks before. Now to draw in these Men, and to hold them fast, who had great sway in the Eastern Churches, the *Eusebians* were forced to comply in *words* with them, and in all probability to suffer them to draw up these *Creeds*, provided only that they left out the *Nicene Decree* and *Anathema*'s, which would do their business at last. So that the *Eusebians* were forced to the utmost Dissimulation and Hypocrisie, to be able to carry on the *Arian* Design in the Eastern and Western Churches. But whatever their Words and Pretences were, their Actions sufficiently manifested their Intentions. For they set themselves with the utmost violence against all who constantly adhered to the Council of *Nice*, and openly favoured and preferr'd all the declared or secret Friends to *Arianism*. They caused *Athanasius* to be banished a second time from *Alexandria*, and appointed *Gregory* in his Place, *who continued there*, saith (x) *Theodoret*, *with great Cruelty for six years, and then was murthered himself by the* Alexandrians; but that seems to have been a mistake for *George* of *Cappadocia*, who succeeded him. For (y) *Athanasius* saith, *he died a natural death*; but he at large describes the *horrible Persecution* both of the *Clergy* and *Laity* then in *Egypt*, who would not comply with the *Arians*; for his business was to set up *Arianism*, as *Athanasius* saith. After his Death, *Constantius* finding so little success of those violent Courses, sends for *Athanasius* with great earnestness to come to him; and gives him free Liberty to return to *Alexandria*; and solemnly swears to him, *he would never more receive any Calumnies against him*; and writes several Letters on his behalf: and one very kind one to himself after the death of his Brother *Constans*, who was a true Friend to *Athanasius*: and then his greatest Enemies courted him, and begg'd his Pardon for what they had done; being forced to it by the violence of the Torrent against him: and even *Ursacius* and *Valens*, two warm Men of the *Eusebian Party*, publickly recanted what they had done against him, without his seeking, and then *anathematized the* Arian *Heresie*. But this was done while *Constans* was alive, and so great a Number appeared in the Western Churches on his side; but *Constans* being dead, the *Eusebian Party* persuade *Constantius*, to take heart once more and to try what he could do to restore *Arianism*; then *Valens* and *Ursacius* recant their recantation, and lay it all on the *Fear* of *Constans*; and now to shew the Emperor's zeal for *Arianism*, the publick allowance is taken from *Athanasius* and his Party, and given to the *Arians*; and the Magistrates threatned, if they did not communicate with them; and not only the People banished that refused, but the Bishops were summoned to appear in the *Courts* and were there told, *they must immediately subscribe or lose their Places*. But all this while *Toleration* was granted to all but to the followers of the Council of *Nice*. And thus all Places were fill'd with Tumult and Disorder, and the People forced their Bishops to the Tribunals for fear of being punished themselves. And the Reason of his Violence was, because the *Arian* Heresie was so much hated by the People, and they hoped by this means to bring them to own it. *Heraclius*, the Emperor's Lieutenant, declared in his Name, *that* Athanasius *was to be cast out, and the Churches given to the* Arians; and required the People to receive such a Bishop as he should send, *viz.* *George* of *Cappadocia*, a violent *Arian*. But the tragical Account of all the Persecutions, which the orthodox Christians then underwent in *Egypt*, from

(x) Theod. *l.* 2. *c.* 4.
(y) Athan. *ad solit. vit. agen.* *p.* 823.
p. 816.
p. 817.
p. 823.
p. 825.
p. 826.
p. 828.
p. 829.
ibid.
p. 830.
p. 846.

from these *Men of Prudence and Moderation* is at large set down by *Athanasius* himself; and in the concurrent Testimony of the *People* of *Alexandria*; so that nothing seems to have been more violent and cruel in the Heathen Persecutions than was acted under *Syrianus* and *Heraclius* in *Egypt*. And that it was wholly for the sake of *Arianism*, *Athanasius* evidently proves by this Argument, *That if a Man were guilty of never so great Crimes, if he professed himself an* Arian, *he escaped; but if he*
p. 810. 811. *were an Opposer of* Arianism *the greatest Innocency could not protect him.*

But this was not the Case of *Egypt* alone, but in other Places, *The best Qualification for a Bishop was to stand well inclined to* Arianism; as
p. 812. *Athanasius* affirms. *But otherwise, though the Persons were never so well deserving; one fault or other was found with them to cast them out:* So, saith he, it was with *Eustathius*, *Bishop of* Antioch, *a Man famous for his Piety and Zeal, yet because he appeared against* Arianism, *feigned Accusations are brought against him, and he is ejected with his Clergy, and none but favourers of* Arianism *placed in their room*; and the like Examples he brings at *Laodicea*, *Tripolis*, *Germanicia*, *Sebastea*, *Hadrianople* and many other places; insomuch that a considerable Bishop scarce any where appear'd against *Arianism*, but they found some pretence or other to put him out, and where they could alledge no other Cause,
p. 813. they said, *It was the Pleasure of* Constantius. But their dealing with *Paulus*, the Bishop of *Constantinople*, was very remarkable. He being chosen by the *Anti-Arian Party*, and standing in the Way of *Eusebius* of *Nicomedia*, whose heart was set upon that Bishoprick, being so near the Imperial Court, he first procured *Paulus* his Banishment to *Pontus*, then he was sent in Chains to *Singara* of *Mesopotamia*, thence to *Emesa*, thence to *Pontus*, thence to *Cucusus*, where he was at length strangled by the *Eusebian Party*, as *Athanasius* saith, he had it from the Persons there present. But although *Macedonius* who succeeded at
(z) Soz. l. 4. c. 2. (a) Theod. l. 2. c. 6. *Constantinople* were of a temper violent enough, as (z) *Sozomen* shews, yet (a) *Theodoret* observes, *that even he was expelled* Constantinople, *because he would not hold the Son of God to be a Creature*; For, although he denied *Christ to be Consubstantial with the Father*; yet he asserted him to be *like the Father in all things*, and *made the* Holy Ghost *to be a Creature*; by which he seem'd to deny the *Son* to be so, and there could not keep the Favour of the *Arian* Party, which then governed all in the Eastern Churches; but yet in such a manner, as by no means, yet to declare for *Arianism*. And therefore *Theodoret* takes notice, that after the
c. 25. death of *Leontius*, *Eudoxius* was the first who pulled off his Vizard, and declared openly for *Arianism*; but *Leontius* his way was, to promote only those in the Church, he was before hand sure of, and to suffer no other to come into Orders, by which means, saith he, *most of the Clergy were* Arians, *and the People still continued sound in the* Nicene *Faith*, till *Eudoxius* his Persecution began.

This was the miserable Condition of the Eastern Churches under the *Prudence* and *Moderation* of the *Eusebian Party*; but the Western Churches continued quiet and very little disturbed with the *Arian* Heresie while *Constans* lived; who was ready, not only to maintain the true Faith in his own Dominions, but to give his Assistance for the Relief of those who suffer'd in the Eastern Parts. Which was the Reason of the calling of the Council of *Sardica* by consent of both Emperors, although that happen'd only to widen and inlarge the Breach. However the *Sardican* Council had such effect in the Western Parts, as to the

the busineſs of *Athanaſius*, that as (*b*) *Athanaſius* tells *Conſtantius*, *Valens* and *Urſacius*, two very buſie Factors in the *Arian Cauſe*, *freely own the malicious Intrigue that was carried on in the proſecution of him:* The first Council of *Milan* is ſuppoſed by (*c*) *Petavius*, to be called the ſame year that of *Sardica* ended. But (*d*) *Sirmondus* thinks it very improbable there ſhould be two Councils in one year; and therefore he believes it rather to have been the year before: which is the more probable Opinion. This Council of *Milan* was aſſembled on the occaſion of ſeveral Biſhops there meeting to wait on the Emperor *Conſtans* in order to a *General Council*, to put things in order in the Chriſtian Church, which the *Arian Faction* had ſo much diſturbed. While they were there the four Eaſtern Biſhops arrived, with the long Confeſſion made at *Antioch*, and deſire the Weſtern Biſhops concurrence with them in it. Theſe expreſs their diſlike of any New Confeſſion of Faith, eſpecially after the *Nicene*; but, ſince they were ſo free of their *Anathema*'s at the end of their Confeſſion, they deſired them to make ſhort Work of it, *to anathematize the* Arian *Hereſie*; which they utterly refuſed to do, and ſo diſcover'd the Juggle of that ſeeming orthodox Confeſſion. This appears by *Liberius* his Epiſtle in the *Collection* of *Church Records* in (*e*) *Hilary*'s *Fragments*; in which he tells *Conſtantius*, *that theſe four Biſhops were ſo far from anathematizing the* Arian *Hereſie then in order to Peace, that upon being preſſed to do it, they roſe up in a Rage and left the Council.* From hence the Weſtern Biſhops ſmelt their Deſign, however cover'd over with fair Pretences of Peace and Reconciliation. Which they farther diſcover'd by their own *Legates*, whom they ſent into the Eaſt, who made this Offer to the Biſhops there, that they would accept of their own Terms of Accommodation, provided, *they would but condemn the* Arian *Hereſie*, *which upon conſultation they refuſed to do.* Upon theſe plain Diſcoveries, the Weſtern Biſhops could eaſily ſee through all their propoſals for Peace; being only made with a Deſign to make them betray the Faith. So that as long as *Conſtans* lived the *Arian Faction* could make little or no impreſſion on the Weſtern Churches; but he being ſoon after taken off by the Treachery of *Magnentius*, Captain of his Guards; and the whole Empire falling to *Conſtantius* upon his Victory over *Magnentius*, a ſudden alteration here happen'd about theſe Matters. *Valens* and *Urſacius* who had ſo ſolemnly retracted their former unjuſt Sentence of *Athanaſius*, now lay it upon their fear of *Conſtans*, and appear in the Head of the *Arian Faction*, and with them, as (*f*) *Severus Sulpicius* ſaith, *the two* Pannonia's *declared for* Arianiſm. And now they having an Emperor to their mind, reſolve to loſe no time, but carry things on with a mighty violence, and baniſh all who would not ſubſcribe to the condemning *Athanaſius*. For this *ſtale Pretence* muſt ſtill be made uſe of to deceive the *People* and to make way for *Arianiſm*; and yet this prevailed ſo far, that, as *Hilary* ſaith, in the *Preface* to his *Fragments*, *the People wondred what made ſo many Biſhops go into Baniſhment, rather than condemn one*; and the Deſign of thoſe *Fragments* is, to ſhew *that the Matter of Faith lay at the bottom of all this violence againſt* Athanaſius. Which proceeded ſo far, that in the Council called at *Arles*, *Paulinus*, Biſhop of *Triers*, was for oppoſing the condemning *Athanaſius*, and deſiring the Matters of Faith might firſt be ſettled, depoſed by the Council and baniſhed by the Emperor. And ſo great then was the Power of Fear upon them, that ſome of thoſe very Perſons, who had clear'd *Athanaſius* at the Council of *Sardica*,

(*b*) Athanaſ. p. 826, 839.
(*c*) Petav. de Photin. Damn. c. 1.
(*d*) Sirmond. Diatr. de de anno Syrm. Synodi.
(*e*) Hilar. Frag. op. p. 414.
(*f*) Sev. Sulpic. l. 2. p. 403.

dica, did now ſubſcribe to his condemnation; among whom was *Vincentius* of *Capua* the Pope's own *Legate*; as (*g*) *Athanaſius* himſelf confeſſes. Not long after, *Conſtantius* ſummons another Council at *Milan*; where, (*h*) *Socrates* and (*i*) *Sozomen* ſay, *above three hundred Weſtern Biſhops were aſſembled:* Here again the *Arian Faction* made a great outcry about *Athanaſius*; but *Dionyſius*, Biſhop of *Milan*, and *Euſebius* of *Vercelles*, laid open the Deſign ſo far as to make the Council be broken up and themſelves to be baniſhed by the Emperor's Edict. While the Emperor continued at *Milan*, *Liberius*, Biſhop of *Rome*, was ſummon'd to attend upon him there, in order to his Baniſhment, if he did not condemn *Athanaſius*; (*k*) *Theodoret* hath preſerved the moſt material paſſages that happen'd between them; One whereof is, that if *Conſtantius* really deſigned the Peace of the Church, the firſt thing was to be a general Subſcription of the *Nicene* Faith, after which other things would more eaſily be compoſed. But this would not be hearkned to; and ſo *Liberius* was baniſhed; but afterwards he unworthily complied not only to the Condemnation of *Athanaſius*, but he profeſſed his conſent to the *Sirmian Creed*, as appears by his Epiſtle in (*l*) *Hilary*'s *Fragments*; for which *Hilary* beſtows his *Anathema*'s very freely upon him. But it is of late pleaded on behalf of *Liberius*, *that he ſubſcribed only to the firſt* Sirmian *Confeſſion in the Council againſt* Photinus *which was expreſs againſt the* Arian *Hereſie*. Whereas *Hilary* (who, I think, knew this matter ſomewhat better) ſaith in ſo many Words, *Hæc eſt perfidia* Ariana, *i.e.* that what he ſubſcribed, contained in it the *Arian Hereſie*. But where doth *Hilary* or any one elſe ſay, that *Liberius only ſubſcribed the firſt Confeſſion of Sirmium*, and upon that was reſtored? Nay, (*m*) *Sozomen* ſaith, *that* Conſtantius *at firſt required him in terms to renounce the Son's being Conſubſtantial to the Father: but afterwards they joined together the Confeſſion againſt* Paulus Samoſatenus *and* Photinus, *with that of* Antioch *at the Dedication, and to theſe* Liberius *ſubſcribed*. So that he ſtruck in wholly with the *Arian Faction* which undermined the Authority of the Council of *Nice*, and he betray'd the Faith, if he did not renounce it. The *Eudoxians* at *Antioch*, he ſaith, gave out *that both* Oſius *and* Liberius *had renounced the* Nicene *Faith, and declared the Son to be unlike the Father:* but *Liberius* clear'd himſelf by rejecting the Doctrine of the *Anomæans*, *i.e.* the open and profeſſed *Arians*; and this *Urſacius*, *Valens* and *Germinius* then at *Sirmium* were willing to accept of, having a farther Deſign to carry on in theſe Parts, which was like to be ſpoiled by the *Anomæans* appearing ſo openly and unſeaſonably in the Eaſt. And for the ſame Reaſon, they were willing to call in that which *Hilary* calls *the Blaſphemy of* Oſius *and* Potamius, as being too open and giving Offence to the Followers of *Baſilius* of *Ancyra* in the Eaſt. For now the Emperor having baniſhed ſo many Biſhops and ſtruck ſo much terrour into the reſt, thought it a convenient time to ſettle the Church-affairs to his mind in theſe Weſtern Parts, and to that end he ſummoned a *General Council*; but juſtly fearing the Eaſtern and Weſtern Biſhops would no more agree now than they did before at *Sardica*; he appoints the former to meet at *Seleucia* in *Iſauria*, and the latter at *Ariminum*; whoſe Number, ſaith (*n*) *Severus Sulpicius*, *came to above four hundred*, and to the ſame purpoſe (*o*) *Sozomen*. When they were aſſembled, *Valens* and *Urſacius* acquainted them with the Emperor's good Intentions in calling them together, and as the only Expedient for the Peace of the Church,

(*g*) Athanaſ. *ad* Conſtant. *p.* 692.
(*h*) Socr. *l.* 2. *c.* 36.
(*i*) Soz. *l.* 4. *c.* 9.
(*k*) Theod. *l.* 2. *c.* 16.
(*l*) Hilar. *in Fragm. p.* 426.
(*m*) Soz. *l.* 4. *c.* 15.
(*n*) Sever. Sulpic. *l.* 2.
(*o*) Soz. *l.* 4. *c.* 17.

Church, they propoſed, *that all former Confeſſions of Faith ſhould be laid aſide, as tending to diſſention; and this to be univerſally received, which they had brought with them from* Sirmium; where it was drawn up by ſeveral Biſhops, and approved by the Emperor. Upon the reading this New Confeſſion of Faith, wherein *the Son* is ſaid *to be like the Father, according to the Scriptures, and the Name of Subſtance agreed to be wholly laid aſide:* the Biſhops at *Ariminum* appeared very much unſatisfied; and declared, they were for keeping to the *Nicene* Faith without alteration; and required of the *Arian* Party there preſent to ſubſcribe it, before they proceeded any farther; which they refuſing to doe, they forthwith (*p*) excommunicated and depoſed them, and proteſted againſt all Innovations in matters of Faith. And of theſe Proceedings of theirs, they ſend an account by ſeveral Legates of their own, wherein they expreſs their Reſolution to adhere to the *Nicene* Faith, as the moſt effectual (*q*) (*r*) (*s*) Bar againſt *Arianiſm* and other Hereſies; and they add, that the removing of it would open the Breach for Hereſie to enter into the Church. They charge *Urſacius* and *Valens* with having once been Partakers of the *Arian* Hereſie, and on that account thrown out of the Church; but were received in again upon their Submiſſion and Recantation: but now they ſay, in this Council of *Ariminum*, they had made a freſh Attempt on the Faith of the Church, bringing in a Doctrine full of Blaſphemies; as it is in *Socrates*; but in *Hilary's Fragments* it is only, that their Faith contained *multa perverſæ Doctrinæ*; which ſhews that they looked on the *Sirmian Creed* as dangerous and heretical. And in the ſame (*t*) *Fragments* it appears by the *Acts* of the *Council*, that they proceeded againſt *Valens*, *Urſacius*, *Germinius* and *Caius* as *Hereticks* and *Introducers of Hereſie*; and then made a ſolemn Proteſtation, that they would never recede from the *Nicene* Faith.

(*p*) Athanaſ. *ad Africp.* 934.
(*q*) Socr. *l.* 2. *c.* 37.
(*r*) Sozom. *l.* 4. *c.* 18.
(*s*) Theod. *l.* 2. *c.* 19.
(*t*) Hilar. *Frag. p.* 459.

Their ten Brethren whom they ſent to *Conſtantius* to acquaint him with the Proceedings of the Council, he would not admit to ſpeak with him: For he was informed beforehand by the *Arian* Party how things went in the Council, at which he was extreamly diſpleaſed, and reſolved to mortifie the Biſhops, ſo as to bring them to his Will at laſt. He (*u*) ſends word to the Council how much his Thoughts were then taken up with his Eaſtern Expedition, and that theſe Matters required greater freedom of Mind to examine them than he had at ſuch a time; and ſo commands the Legates to wait at *Hadrianople* till his Return. The Council perceived by this Meſſage that his Deſign was to weary them out, hoping at laſt, as (*w*) *Theodoret* expreſſes it, to bring them to conſent *to the demoliſhing that Bulwark which kept Hereſie out of the Church*, *i. e.* the Authority of the Council of *Nice*. To this ſmart Meſſage the Council returned a reſolute Reply, *That they would not recede from their former Decree*; but humbly beg leave to return to their Biſhopricks before Winter; being put to great hardſhips in that ſtrait Place. This was to let the Emperor know how he might deal with them, and he ſends a charge to his Lieutenant, not to let them ſtir till they all conſented. And in the mean time effectual means were uſed with their Legates in the Eaſt to bring them to terms; an account whereof we have in (*x*) *Hilary's Fragments*, which were to null all the former Proceedings, and to receive thoſe who were there depoſed, to Communion. Which being done, they were ſent back to decoy the reſt of the Council; who at firſt were very ſtiff, but by degrees they were ſo ſoftned,

(*u*) Soz. *l.* 4 *c.* 19.
(*w*) Theod. *l.* 2. *c.* 19.
(*x*) Hilar. *Frag. p.* 452.

that they yielded at last to the Emperor's own Terms. The very In-
p. 453. strument of their Consent is extant in *Hilary's Fragments*, wherein they declare their full Agreement to the laying aside the Terms of *Substance* and *Consubstantial* in the Creed: *i. e.* to the voiding the Authority of the Council of *Nice*, which was the thing all along aimed at by the
(y) Athan. ad Afric. p. 934. *Arian* Party. And (*y*) *Athanasius* saith, it was there declare *unlawful to use the word Substance or Hypostasis concerning God.*

It is time now to consider, how far those Churches can be charged with *Arianism*, whose Bishops were there present and consented to the
(z) Hier. c. Lucif. Decrees of this Council. It is a noted Saying of (*z*) St. *Jerome* on this Occasion, *that the World then groaned and wondered at its being become* Arian. Which a late Authour saith, *is a passage quite worn out by our Innovators.* Whom doth he mean by these *Innovators?* The *Divines* of the *Church* of *England*, who from time to time have made use of it? Not to prove *an Apostasie of the Catholick Church from the true Faith*; which no Man in his Wits ever dream'd of, but from hence to overthrow the pretended *Infallibility* of *General Councils*, or such as have been so called. And notwithstanding the opprobrious Name of *Innovators* (which, as we find in those of the *Church* of *Rome*, often belongs to those who give it to others) it is very easie to prove, that this one Instance of the Council of *Ariminum* doth overthrow not only the Pretence to the Infallibility of General Councils, but the *absolute* binding *Authority* of any, till after due examination of the *Reasons* and *Motives* of their Proceedings. For it is apparent by the whole Series of the Story, as I have faithfully deduced it, that the whole Design of the *Arian* Party was to overthrow the Authority of the Council of *Nice*; which they were never able to compass by a *General Council* till this of *Ariminum*, agreeing as they declared with the Eastern Bishops. So that here was a Consent both of the Eastern and Western Churches,
(a) Soz. l. 4. c. 24. (b) Socr. l. 4. c. 41. (c) Hier. ad Lucif. the Council of *Ariminum* being approved by (*a*) (*b*) (*c*) a Council at *Constantinople* the same Year. What is now to be said, when the Bishops assembled in Council both in the Eastern and Western Churches did effectually as far as their Decrees went, overthrow the *Nicene* Council? If it be said, *that the Council of* Ariminum *decreed nothing positively against the* Nicene *Faith*; we are to consider, that the *reversing the Decree* of the *Nicene* Council was in effect overthrowing the Faith thereby established; And so St. *Hierome* saith, *Tunc* Usiæ *Nomen abolitum est, tunc* Nicenæ *Fidei damnatio conclamata est.* And then these Words follow, *Ingemuit totus Orbis &* Arianum *se esse miratus est:* and if *nothing would ever be able to stop out the* Arian *Heresie but the* Nicene *Faith*, as is confessed; and this Council took away the *Authority* of that Council, then it at least made way for the introducing Heresie, and left all Men to be Hereticks that had a mind to be so. And so St. *Hierome* saith, *Valens* and *Ursacius* after the Council boasted, *that they never denied the Son to be a Creature, but to be like other Creatures:* from
(d) Ambrosf. Ep. 33 ad Valent. whence (*d*) St. *Ambrose* takes it for granted, that *Christ's being a Creature* did pass for good Doctrine in the Council of *Ariminum*. But we are told, *that St.* Jerome *only complains of the World's being cheated and trepan'd into* Arianism *by the Bishops being so weakly over-reached and outwitted by an handful of* Arians. Doth not St. *Jerome* plainly say, *the Name of Substance was there laid aside, and the Council of* Nice *condemned?* And could this be a mere *Cheat* and *Trepan* to those who were so much aware of it, as to declare at first, *they would never give way to*

it,

it, because they saw the danger of it; and to renew their *Protestations* against it, after the Emperor's severe Message to them about it? So that, whatever it was, it could be no *Cheat* or *Trepan* in those who made such *Decrees* at first, deposed the *Arian* Bishops, sent such *Messages* to the Emperour as they did. Which is a plain Demonstration, that they saw and knew what they did; and understood the Consequences of it. *But they were frighted into this Consent at last.* I grant they were so, but what then becomes of the *Infallibility* of *Councils*, if mere *Fear* can make so many Bishops in *Council* act and declare against their *Consciences?* If in such Meetings, the Persons were capable of being sway'd by any particular *bias*, from asserting the Truth, what Security can there be as to Mens *Faith* from their Authority, any farther than we can be secure they were not influenced by any Temporal Hopes or Fears? So that we are not barely to respect the *Definitions* of *Councils*, but to examine the *Motives* by which they were acted in passing those Decrees; and if it appear, they did act freely and sincerely, and deliver the general sense of the Christian Church, from the beginning, as it was in the Case of the *Nicene Council*, then a mighty regard ought to be shewed to the *Decrees* of it; but if Partiality, Interest, Fear, or any other secular *Motive* be found to sway them in their Debates and Resolutions, then every particular Church is at liberty to refuse their *Decrees*, and to adhere to those of more free and indifferent Councils. And this was the Case here, as to the Council of *Ariminum*, if the Church had been *absolutely* tied up to the *Decrees* of *Councils*, however past, there had been an utter Impossibility of restoring the true *Christian Faith*; for there was no such *Council* assembled to reverse the *Decrees* of it; but in every Church, the banished Bishops being returned, not long after, upon the death of *Constantius*, they took care to settle the true Faith in the Western Churches, by lesser Assemblies of the several Bishops. A remarkable Instance whereof appears in (*e*) *Hilary's Fragments*, where we find the *Gallican* Bishops met at *Paris*, renouncing the Council of *Ariminum*, and embracing the *Nicene* Faith. The like we have Reason to believe was done in the *British* Churches, because in *Jovian*'s time, (*f*) *Athanasius* particularly takes notice of the *Britannick Churches*, as *adhering to the* Nicene *Faith*; and (*g*) St. *Jerome*, and (*h*) St. *Chrysostome*, several times mention *their agreeing with other Churches in the true Faith.* Which is a sufficient Argument to clear them from the Imputation of *Arianism*, which did no otherwise lie upon them, than as they had Bishops present in the Council of *Ariminum*.

(*e*) Hilar. *Frag.* p. 431.
(*f*) Athan. *ad* Jov. p. 246.
(*g*) Hieron. *ad* Marcel. *ad* Euagr.
(*h*) Chrysost. *Tom.* 3. p. 696. *Tom.* 6. p. 635. *Tom.* 8. p. 111.

For (*i*) *Severus Sulpicius*, speaking of the Care *Constantius* took *to provide Lodging and Entertainment for the Bishops at* Ariminum, *out of the publick Charge*, he saith, *their Bishops refused to accept it, only three out of* Britain, *not being able to maintain themselves, made use of the publick Allowance, rather than be chargeable to their Brethren. Which*, he saith, *he heard* Gavidius *their Bishop blame them for*; *but he rather thinks it a commendation for them, in the first place to have been so poor*; *and next, that they chose not to be burthensome to their Brethren, but rather to live on the Emperor's Charge.* This had been better said of any Place, than at the Council of *Ariminum*, where the Emperor's Kindness was a Snare to their Consciences; unless it be said, That the Emperor took greater advantage by their bearing their own Charges, to make them sooner grow weary of staying there; and that if the rest had followed the

(*i*) Sever. Sulpic. *l.* 2.

Example

Example of the *Britains*, the Emperor might have been weary before them. But how came *the* Britiſh *Biſhops to be ſo poor above the reſt*, who were not only able to live at their own Charges, but to ſupply their Brethren? Which ſhews as much the plenty of the reſt, as it doth the poverty of the *Britains*. What became of all the Endowments of the *Britiſh* Churches by King *Lucius?* The *Britiſh* Hiſtory publiſhed by (*k*) *Geoffrey* of *Monmouth* ſaith, *That King* Lucius *gave not only all the Lands which belonged to the Heathen Temples to the Churches built by him; but added very much to them with many Privileges.* The ſame is ſaid from him by moſt of our Monkiſh Hiſtorians, whoſe Authority is no greater than *Geoffrey*'s, from whom they derive their Information; only inlarging it as occaſion ſerves; As *Thomas Rudburn* doth very particularly for the Church of *Wincheſter*, *who makes the old Lands of the* Flamins *to be twelve Miles compaſs about the Town*; *And King* Lucius *added*, he ſaith, *to the New Church, all the Suburbs of the City, with the Privilege of* Dunwallo Molmutius, *i. e. of a Sanctuary.* Methinks then the *Britiſh* Biſhops, might have been in as good a condition as the reſt of their Brethren at *Ariminum*; unleſs their Lands were taken away in the Perſecution of *Diocleſian*, as *Rudburn* ſeems to intimate, which is all as true, *as that Monks continued there from* Lucius *to the ſecond year of* Diocleſian; which was a long time before his *Perſecution* began; or there were any ſuch *Monks* in the World. But it ſeems ſtrange, that the *Britiſh* Biſhops ſhould be then under ſuch Poverty, when *Liberius*, in his Conference with *Conſtantius*, told him, *The Churches were able to bear the Charges of their Biſhops in going to Councils, without the publick Carriages.* For even before *Conſtantine*'s time, they had *Endowments*, beſides the *voluntary Oblations of the People*, which in great Churches were very conſiderable. But that there were certain *Endowments* beſides, appears both by the Edicts of *Maximinus* and *Conſtantine*. By that of *Maximinus*, not only Houſes, *but the Lands which belong'd to the Chriſtians, whether ſeized into the* (*l*) *Emperor's hands, or in the Poſſeſſion of any City, or given, or ſold, are all commanded to be reſtored.* And that this doth not relate to their *private Poſſeſſions*, but to the *publick Revenue* of their *Churches*, will appear by the following *Edict* of *Conſtantine* and *Licinius*; which in the firſt place commands *all their Churches to be reſtored*; and then is added, *becauſe the Chriſtians are known, not only to have thoſe Places where they aſſemble, but others, which likewiſe of Right belong to their Body*, i. e. their *Churches.* For ſo the Words of the Edict in (*m*) *Lactantius* are. (*Sed alia etiam habuiſſe noſcuntur ad jus corporis eorum, id eſt, Eccleſiarum non hominum ſingulorum pertinentia*) *Theſe are commanded to be reſtored, without any delay or diſpute.* Which is again inforced by another *Edict* of *Conſtantine* to *Anulinus* extant in (*n*) *Euſebius* with the former, and there are mention'd *Houſes, Gardens, or whatſoever Poſſeſſions they had.* Thoſe who would have nothing more meant by theſe Expreſſions, but *ſome Fields and Gardens rather than Lands*, may conſider that when the Church had plentiful Poſſeſſions, they were called by no other Names. So St. (*o*) *Ambroſe*, (*Agri Eccleſiæ ſolvunt Tributum.*) And in another Law of (*p*) *Conſtantine* directed to the *Provincials* of *Paleſtine* to the ſame purpoſe, and with as full and large Expreſſions; And howſoever they became alienated, the preſent Poſſeſſors were to be ſatisfied with the mean Profits; But by all means he commands a Reſtitution to be made, not only to particular Perſons,

(*k*) Galfr. *Mon. l.* 2. *c.* 2.

(*l*) Euſeb. *l.* 9. *c.* 10.

(*m*) Lact. *de Mort. Perſec. c.* 48.

(*n*) Euſeb. *l.* 10. *c.* 5.

(*o*) Ambroſ. *de trad. Baſilic.*

(*p*) Euſeb. *vit. Conſtant. l.* 2. *c.* 39.

sons, but *to the Churches too.* But if the *Endowments* of *Churches* were not then considerable, what need so many *Edicts* for the *Restauration* of them? But *Constantine* did not only take so much care to restore what the Churches had before, but in case there were no Heirs at Law to the *Martyrs* and *Confessors*, he bestows their Lands and Goods on the Churches. And after this, about four years after the Council of *Nice*, he published the famous *Constitution* still extant in the (q) *Theodosian Code*; wherein *a full Liberty is given to all sorts of Persons to leave what they thought fit by Will, to the Catholick Churches of Christians.* And this, as *Gothofred* saith, was the true *Donation of Constantine*, for, by means of this Law, Riches flowed into the Church, and especially at *Rome.* For although, as (r) *Paulus* saith, by an Edict of *M. Aurelius*, the *Collegia licita*, Societies allow'd by the Laws, *were capable of receiving Legacies and Estates*, yet by the (s) Laws of the Empire, the *Christians* were no legal Society to that purpose before: And by a late Constitution of *Diocletian*, *Societies were excluded from receiving Inheritances without a special Privilege*; yet now, by this Law, all those Bars being removed, Riches came in so fast in some Places, that there needed new Constitutions to set bounds to so great liberality.

c. 36.

(q) C. Theod. 16. tit. 2. l. 4.

(r) D. 24. de rebus dubiis, l. 20. cum Senat.

(s) Baldvin. de Leg Const. p. 23.

And the Privileges which *Constantine* gave to the (t) *Clergy* of *exemption* from *publick Services*, drew so many *to take Orders*, especially in *Corporations*, where the *Services* were very burthensome; That *Constantine* was forced to publish *Edicts* to restrain the Numbers of them; which were not intended, *to hinder Persons of Estate and Quality from entring into Orders*, as some have suggested, but only such whose *Estates* were liable to the *publick Services*, as those who were (u) *Decuriones origine*, and not merely *incolatu* were; who bore all the Offices, and did the publick Duties, having Lands given them on purpose in the first Settlement of Colonies which were called *Prædia Reipublicæ*, as (w) *Pancirol* observes; And therefore *Constantine* had reason to forbid such entring into Orders to the Prejudice of the Government. And so the Title of the *Constitution* is, *De ordinatione Clericorum in Curiarum & Civitatum præjudicium non facienda.* Which was at that time a very just and reasonable Constitution. But afterwards Men of great Honour and Dignities came into the Council, as not only St. *Ambrose*, at *Milan*, who was the Consular Governour over *Liguria*, and *Æmilia*, and St. *Paulinus*, a *Roman* Senator, *behind none in Birth*, saith (x) St. *Ambrose*, having a great Estate in *Aquitania*, was made Priest at *Barcelona*, and Bishop of *Nola*, but many Examples of this kind were in one Age in the *Gallican Church*, as (y) *Honoratus*, Bishop of *Arles*, of a Senatorian and Consular Family; St. *Hilary*, of *Arles*, of a very Noble Family, and born to great Riches; *Sidonius Apollinaris*, whose Father and Grandfather were *Præfecti Prætorio Galliarum*, and himself married to the Daughter of the Emperor *Avitus*, made *Præfectus Urbi*, & *Patricius*, one of the greatest Persons and Wits in *Gaul*, was made (a) Bishop of *Auvergne*; St. (b) *German*, Bishop of *Auxerre*, was of Noble Parents, and Governour of a Province; St. (c) *Ruricius*, Bishop of *Limoges*, descended from the *Annician* Family, as *Venantius Fortunatus* saith, which was of that Fame at *Rome*, that St. (d) *Hierome* saith, *Very few of it missed the Consulship, and two Brothers of it were Consuls together*, as *Claudian* saith, a thing never seen before or since. From this Family (e) *Arnoldus Wion* proves *that the Emperors of* Germany *are descended.* And of this same Family another *Ruricius* succeeded his Grandfather in the same Bishoprick.

(t) C. Theod. 16. tit. 2. l. 2, 3, 6.

(u) Bertet. Diatr. 1. c. 10.

(w) Pancirol. de Magistr. Manc. p. c. 1.

(x) Ambros. Ep. 36.

(y) Vincent. Barralis, vit. Abbat. Lerni.

(a) Vit. Sidonii Apoll.

(b) Constant. vit. German.

(c) Venant. Fort. l. 4. c. 5.

(d) Hier. Ep. 8.

(e) Lign. Vit. in Præfat.

But,

But, beſides that general Law which gave Permiſſion to others to give liberally to Churches, *Conſtantine* of his own Revenue allow'd a proportion of Corn to be given to the *Clergy* of the *greater Cities*; Of which (*f*) *Athanaſius* ſpeaks, when he ſaith, Conſtantius *took it away from him, and his Clergy, and gave it to the* Arians; But the Gift it ſelf was continued all the time of *Conſtantius*; Then it was taken away by (*g*) *Julian*, and in part reſtored by *Jovian.*

(*f*) Athanaſ. *ad Jolit. p.* 8.9. (*g*) Theod. *l.* 4. *c.* 4.

It is then no wonder that the Biſhops at *Ariminum* refuſed the *publick allowance*, being maintained by the Revenues of their Churches; But it ſeems the *Britiſh* Churches were not then in ſo Rich a condition to maintain their Biſhops ſo long abroad; For *Conſtantine*, drawing all the Wealth and Trade of the Empire Eaſtward, for the greater Advancement of his New City; And this Country having been ſo long haraſſed with Wars, and ſcarce recovered from the Effects of them; (For the *Scots* and *Picts* had been very troubleſome to them, both in the times of *Conſtans* and *Conſtantius*; the (*h*) former came himſelf over into *Britain* to ſuppreſs them; and the latter ſent *Lupicinus* his General, who arrived at *London* about the time the Council of *Ariminum* was diſſolved) and therefore in a time of ſuch Confuſion in the *Britiſh* Province, it is not ſtrange that theſe Churches ſhould not be in ſo plentifull a condition as thoſe which were the Seat of Trade and Government. And (*i*) *Ammianus Marcellinus* obſerves, *that the Provincial Biſhops lived in a much meaner condition than thoſe of the greater Cities*, eſpecially of *Rome*; And, although a Heathen, he very much commends them for their *Temperance, Humility and Modeſty.*

(*h*) Am. Marcel. *l.* 20. *c.* 1.

(*i*) *Id. l.* 27. *c.* 3.

But *Arianiſm* was not the only Hereſie the *Britiſh* Churches were charged with; For (*k*) *Gildas* from hence makes every following Hereſie to find a paſſage hither; among which the chief was *Pelagianiſm.* And (*l*) *Bede* doth inſinuate, *That* Pelagius, *being a* Britain, *and, ſpreading his Doctrine far and near, did corrupt theſe Churches with it*; which ſome (*m*) late Writers, having taken up, have affirmed, that both *Pelagius* and *Cæleſtius*, after their Repulſe at *Rome*, came over to *Britain*, and diſperſed their Doctrine here. (*n*) *Leland* ſadly laments the Condition of the Church of God, that had no ſooner recover'd it ſelf from *Arianiſm*, but a new Hereſie ſprung up to diſturb the Peace, and infect the minds of Chriſtians; But as *Egypt* brought forth the Author of the former Hereſie, ſo did *Britain* the Author of this, which took his name from hence; And is ſuppoſed to have been *Morgan* in *Britiſh*, which by his converſation at *Rome* he turned into *Pelagius*; And (*o*) St. *Auguſtine* ſaith, He was commonly called *Pelagius Brito*, to diſtinguiſh him, as he ſuppoſed, from another *Pelagius* of *Tarentum. Leland* obſerves, that ſome made him a *Britain*, as being born in that *Bretagn* which was called *Aremorica*, on the Continent. But I do not find that it had then loſt its name of *Aremorica.* The firſt time we find the name of *Britannia* given to that Country, is in the (*p*) Subſcription of *Manſuetus* to the Council of *Tours*, where he is named *Epiſcopus Britannorum*, after which time it was frequently called *Britannia Ciſmarina, Minor, Celtica*, &c. (*q*) *Dempſter* (not a *Jeſuit*, but a Lawyer) takes it very ill of *Browerus*, the *Jeſuit*, that he makes *Pelagius* a *Scot:* But not as *Dempſter* underſtands him. For (*r*) he explains himſelf, *That he meant one that came out of* Ireland, *and therefore was* Scoticæ *Originis.* For which he quotes St. *Jerome.* But Archbiſhop (*s*) *Uſher* hath obſerved, *That he ſpeaks there, not of* Pelagius, *but of* Cœleſtius, *whom he makes the*

(*k*) Gild. *Ep.* 1. §. 9.

(*l*) Bed. *l.* 1. *c.* 10.

(*m*) Bal. *de Scrip. l.* 1. *c.* 38. Pits, *de Script. p.* 84. Janſon. *de hær.* Pelag. *l.* 1. *p.* 27.

(*n*) Leland. *de Script. in* Pelagio.

(*o*) Aug. *ep.* 106. *ad* Paulin.

(*p*) *Concil. Ga'. Tom.* 1. *p.* 126. *A. D.* 461.

(*q*) Dempſter *Hiſt. Eccleſ. l.* 15. *n.* 1012.

(*r*) Brower. *in* Venant. Fortun. *l.* 3. *p.* 69.

(*s*) *De Primord. p.* 209.

Cerberus

Cerberus *to* Pluto, (according to his uſual way of complementing his Adverſaries.) But both, he thinks, came out of the *Britiſh* Iſlands. The late (*t*) Publiſher of *Marius Mercator*, endeavours to ſhew, *That our learned Primate was herein miſtaken; And that St.* Jerome *doth not ſpeak of* Cœleſtius, *but of* Pelagius *himſelf; And that by* Pluto *he means* Ruffinus *dead in* Sicily *three years before St.* Jerome's *writing theſe Words; But notwithſtanding he did ſtill bark through* Pelagius *his Mouth, whom he compares to a great* Scotch *Maſtiff, from which Country he is derived in the Neighbourhood of* Britain. If theſe Words relate only to *Ruffinus* and *Pelagius*, it is certain that St. *Jerome* would have it believed, *That* Pelagius *came out of* Ireland. That which makes it moſt probable, that he means them is, That in the Preface to his (*u*) *Commentaries* on *Ezekiel*, he mentions the death of *Ruffinus*, and then ſaith, *he hoped now he ſhould be quiet to go on with his* Commentaries *on the Scriptures*; But not long after he complains, *That there were others, which in his Room open'd their Mouths againſt him.* In the beginning of his *Commentaries* on *Jeremiah*, which he undertook after he had finiſhed thoſe on *Ezekiel*, he mentions one *who carped at his* Commentaries *on the* Epheſians, *and calls* Grunnius, (*i. e.* Ruffinus) *his Forerunner*; And ſaith, he was, *Scotorum pultibus prægravatus*, made fat with *Scotch Flummery.* All this agrees very well with *Pelagius*, whom (*w*) *Oroſius* deſcribes as *a very corpulent Man*; But there is one thing which makes the former Opinion not improbable, which is, That St. *Jerome* himſelf takes ſo much notice, *that* Pelagius *at that time wrote little or nothing about theſe matters, but* Cœleſtius *was the Man who appeared, eſpecially in the two main Points about Original Sin, and the Poſſibility of Perfection:* (*x*) In his Epiſtle to *Cteſiphon*, he ſaith, *That the Author of the Sect ſtill held his Peace, and his Diſciples wrote for him*; *Magiſtrorum ſilentia profert rabies Diſcipulorum.* Methinks *Rabies* agrees well enough with *Cerberus*, and here it is meant of the Diſciple *Cœleſtius*, and not of *Pelagius*; Which Expreſſion anſwers very well to the other. *Mutus Magiſter latrat per Albinum Canem.* And he ſpeaks as if he deſigned to draw him from his cloſeneſs and retirement; Which doth far better agree to the *mute Perſon*, than to the *barking Cerberus.* There is then no Improbability, that *Cœleſtius* and *Pelagius*, may be both meant; But if any other Country hath a mind to challenge *Cœleſtius* to themſelves, I think, they may be allow'd to put in their Claim notwithſtanding theſe Expreſſions. But it is very unworthy in the ſame (*y*) Author, to prove *Pelagius* to have been an *Iriſh Scot*, and at the ſame time to charge his Vices on the *Britiſh* Nation. He cannot deny, *That* Pelagius *had a great natural ſharpneſs of Wit*, ſince St. *Auguſtine* and his other Adverſaries allow it; But then he ſaith, *it was fierce and contentious, after the faſhion of his Country*; and which he could not ſhake off by his long Converſation at *Rome. He grants that his* Exhortations to Piety *were vehement and earneſt, but written in an uncouth and impetious Style*, more Gentis, *according to the humour of his Nation.* But why muſt the *Britiſh* Nation be reproached for the particular faults of *Pelagius?* It is a very ill way of confuting *Pelagius*, to attribute Mens Vices and Vertues to their Countries; And is contrary both to the diſcretion of a Philoſopher, and to the Grace of a Chriſtian; *Pelagius* might have had the ſame temper if he had been ſo happy as to have been born in a Neighbour Country; And I do not ſee how his Way of writing doth affect the *Britiſh* Churches; Where the Chriſtians might be very wiſe

(*t*) Garner. *Diſſert. 1. in Mar. Mercat. c. 5.*

(*u*) Hier. *in Ezek. l. 6. Præfat.*

(*w*) Oroſ. *Apol. c. 27.*

(*x*) Hier. *ad Cteſiph. p. 256. To. 2.*

(*y*) Garner. *ib. c. 4. p. 134.*

and humble, notwithstanding this severe and unjust Character of the *British* Nation; Which (as all National Reproaches) is not so great a Reproach to any as to him that gives it. But the greatest Adversaries to *Pelagius*, did not give him so ill a Character; St. (z) *Augustine* saith, *he had the esteem of a very Pious man, and of being a Christian of no mean rank.* Was this *Pro more Gentis* too? And of his Learning and Eloquence St. *Augustine* gives sufficient Testimony, in his Epistle to *Juliana*, the Mother of *Demetrias*, to whom *Pelagius* wrote an Epistle highly magnified for the Wit and Elegance of it. But *Garnerius* will not allow *that* Pelagius *was able to write it himself, without the assistance of his Disciples* Cœlestius *and* Annianus. But why should this be so hard a thing for a Man whom he confesses to have had a great deal of Natural Wit, and (a) St. *Augustine* saith, *He lived long, yea, very long in* Rome, *and kept the best Company there?* Could a *Britain* never attain to so much Purity of the *Roman* Language as to write an Epistle to the Envy of those *meliore solo prognatorum*, as he speaks, *who were born in more happy soils?* What mean such unbecoming reflexions, on the Country of *Pelagius*; when himself confesses he had so much *Mother Wit?* And one would think of the two, that is the better soil which produceth more *Wit* than *Words.*

(z) Aug. *de Peccat. Meritis & rem. l. 3. c. 1, & 3. de Gestis Pelag. c. 22. Epist. 106.*

(a) Aug. *de Peccat. Orig. c. 8. 21.*

Our Monkish Historians make *Pelagius* not only a Monk at *Bangor*, but the Abbot there; So the Author of the *Polychronicon*, and *John* of *Tinmouth*; *Leland* takes it from them; To whom *Bale* adds, *That he was made Bishop in the East*; But without any Authority. (b) *Leland* saith, *That he went over into* Aremorica, *to visit his Countrymen who were newly settled there, being carried over by* Maximus. *Gildas* seems to imply, That *Maximus* was originally a *Britain*, when he calls him *Germen plantationis suæ*; But *Bede* takes no notice at all of his Country. The *Saxon Annals*, *Fabius Ethelwerd*, *Huntingdon*, and others say, *he was born in Britain*; But (c) *Zosimus* affirms, *That he was a* Spaniard, *and took it ill that he was no more prefer'd, when his Countryman* Theodosius *was made Emperor*; However this were, it is certain that he was declared Emperor in *Britain*, and that he went out of *Britain* with the *Forces* here; And that *Gratian*'s *Legions* revolted to him; upon which he fled, and was killed; And that *Maximus*, being unsatisfied with *Gratian*'s share of the Empire, went into *Italy* against *Valentinian*, and was after four years destroyed at *Aquileia*; But in all the Proceedings of *Maximus*, I see no ground for the settling the Colonies of *Britains* in *Aremorica*. For he landed at the Mouth of the *Rhine*, saith *Zosimus*, and was well received by the *Roman* Legions there-abouts. What occasion then was there for his coming against the *Aremorici:* Or, if he had driven them out, had he nothing to do with his Souldiers, but to people Countries with them? But we find the *Aremorici* in quiet possession of their Country after this time. So that we see no reason at all for *Pelagius* to go to his Countrymen in *Aremorica:* From thence *Leland* carries him *to all the Places of Learning in* Gaul; As there were many at that time; *And while he was thus passing up and down, he met with* Julianus *of* Campania, *whose Wit and Learning recommended him to* Pelagius. But this cannot hold, *For* Pelagius *lived a long time in* Rome before his Heresie was discovered; After the discovery of it, many years passed before *Julian* appeared in it; And in the last Work of (d) St. *Augustine*, just before his death, *He calls* Julian *a young man*; Although he had been a Bishop in *Campania*, at a Place called *Æculanum*,

(b) Leland. *de Scrip.*

(c) Zosim. *l. 4.*

(d) Julian. *l. 3. n. 171.*

num, thence his Title was *Episcopus Eclanensis*. The Town stood, saith (*e*) *Holstenius*, near *Mirabella*; But since its Destruction, the See was removed to *Frigento*, and the Bishop called *Episcopus Frequentinus*. If *Pelagius*, passing through *Gaul*, made so long a stay in *Rome*, as St. *Augustine* saith, before he was suspected of Heresie, there is no probability at all in the Monkish Tradition of his being *Abbat* of *Bangor*. And there is not much more of *Bangor*'s being so famous a Monastery at that time, or of *Pelagius* his being a *Monk* therein: For the *British* Monasteries were no elder than St. *Patrick*'s time, as I may have occasion to shew afterwards. And even at *Rome* it self the Monastick State had not been long known there, being brought out of the East by *Athanasius* and *Eusebius* of *Vercelles*. And in *Pelagius* his time, those were called *Monks* at *Rome*, who had no Office in the Church, but yet retired from the common Employments of the World for *Sacred Studies* and *Devotion*; and where any Number of these lived together, that was called a Monastery; Such was the *Monasterium Pinneti*, mention'd by (*f*) *Ruffinus*, not far from *Rome*; Probably a House of *Melania*; whither they were wont to retire in times of greater Devotion. *Garnerius* confesses *that* Pelagius *was no otherwise a Monk, than as those were then called so who led stricter Lives than others within their own Houses*; of which Number he reckons *Pammachius*, *Paulinus*, *Melania*, *Demetrias* and others at that time, to whom *Pelagius* was well known, and much esteemed by them, before his Heresie was discover'd. The chief Employment of these Persons, next to their Devotions, was the *Study* of the *Scriptures*, as appears by St. *Jerome*'s Epistles; And some grave Person made it his business to instruct his Disciples therein: So St. *Jerome* did at *Bethlehem*; So *Ruffinus* did *Pammachius*, *Melania* and her Family; And so *Pelagius* did at *Rome*, where he had Scholars whom he brought up, as appears both by *Cœlestius*, and *Julianus* whom he instructed very young, and by *Timasius* and *Jacobus*. From this Employment it was that he wrote his short *Commentaries* on St. *Paul*'s *Epistles*, and his *Epistles* to *Melania* and *Demetrias*; But after he was accused of *Heresie*, his time was spent in Vindication of himself, in *Africa*, *Asia* and *Rome*; and after many Bandyings to and fro from want of understanding the meaning of *Pelagius*, he was, besides the *Councils* in *Africa*, at last condemned in a *Council* at *Antioch*, under *Theodotus*, as (*g*) *Marius Mercator* shews; And from thence forward, he spent the Remainder of his Life in Obscurity, dying somewhere in the East.

(*e*) Holsten. *in* Cluver. *Ital. p.* 1203.

(*f*) Ruffin. *Op. p.* 9.

(*g*) Marius Merc. *in Comment. c.* 3.

From whence it appears, that there is no probability, that *Pelagius* and *Cœlestius* should come back to *Britain*, to spread their Heresie here. For he complain'd of his Age, when he set forth his *Commentaries* at *Rome*, about *Anno Dom.* 404. And he was certainly in the East at the Council of *Diospolis*, *Anno Dom.* 415. from whence he sent *Cœlestius* to *Rome*, but abode there himself with *Albina*, *Pinianus* and *Melania*; and wrote Letters to clear himself first to *Innocentius*, and then to *Zosimus*, who was so well satisfied therewith, that he wrote a sharp Letter to the *African* Bishops (who had condemned him) in his Vindication; severely taxing his Accusers; Although there were Heresie in that Confession which *Cœlestius* tendred to *Zosimus*, and which he esteemed Orthodox. And (*h*) St. *Augustine* is fain to make use of all his Wit to bring the Pope off from approving of Heresie. (*i*) *Henr. de Noris* confesseth *that he was circumvented by the* Pelagians. *But it was*

(*h*) Aug. *de Peccat. Origin. c.* 6. *ad* Bonifac. *l.* 2. *c.* 3.

(*i*) Noris *Histor. Pelag. l.* 1. *c.* 12.

in a matter of Fact, ſaith (*k*) *Janſenius*; What, when he denied Original Sin in that very Paper he deliverd in to *Zoſimus!* (*l*) *Cappellus* thinks it better *to deny* Zoſimus *his Letter*; but therein he is condemned by (*m*) *Petavius*, and others who have lately written about this matter, and ſay, *that* Cappellus *his Opinion is ſingular and falſe*, being contradicted by the Teſtimonies of *Marius Mercator*, *Facundus Hermianenſis* and St. *Auguſtine*: And one of them blames the Pope *for too great eaſineſs*; and the other *for too great haſtineſs*, and doth think, *that the buſineſs of Appeals, then conteſted by the* African *Biſhops ſtuck in the Pope's Stomach, which made him willing to take this Occaſion to rebuke them.* But the *African* Fathers proceeding ſmartly againſt the *Pelagians*, notwithſtanding *Zoſimus* his Letter, made him to comply too, in condemning both *Cœleſtius* and *Pelagius*, notwithſtanding his former Epiſtle. So that upon the whole matter, *Pelagius* and *Cœleſtius*, by their own natural Wit, had, in all probability been too hard for a whole Succeſſion of Popes, *Innocentius*, *Zoſimus* and *Xyſtus*, had not the *African* Fathers interpoſed, and freely told them what the true Doctrine of the Church was. For (*n*) they offer'd to ſubſcribe *Innocentius* his *Epiſtles*. *Zoſimus* was very well ſatisfied, and thought them peeviſh and unreaſonable that were not. (*o*) *Xyſtus* was *their Patron at* Rome, before the *African* Biſhops appear'd ſo reſolute in the Cauſe. And had it not been for them; for all that I can ſee, *Pelagianiſm* had ſpread with the *Approbation* of the *Roman See.*

(*k*) Janſen. *Hiſt. Pelag. p.* 28.
(*l*) Cappell. *de Appellat. c.* 2. § 28.
(*m*) Petav. *Dogm. Theol. Tom.* 3. *de Her. Pelag. c.* 1 §. 15. Garner. *Diſſ.* 2. *de Synodis in Cauſa Pelag* Natal. Alex. *Sæc.* 5. *p.* 169.
(*n*) Aug. *ad* Bonif. *l.* 2. *c.* 3, 4.
(*o*) Aug. *Ep.* 104.

But notwithſtanding it was at laſt condemned at *Rome*, and *Imperial Conſtitutions* publiſhed againſt it; Yet it found a Way over into the *Britiſh* Churches, by the means of one *Agricola*, the Son of *Severianus*, a *Pelagian* Biſhop, as (*p*) *Proſper* informs us. It appears by the Reſcript of (*q*) *Valentinian* III. *Anno Dom.* 425. *There were ſeveral* Pelagian *Biſhops in* Gaul. And the ſevere Execution of the Edict there was probably the occaſion of this *Agricola*'s coming over hither and ſpreading that Doctrine here. (*r*) *Bale* and (*s*) *Pits* run into many Miſtakes about this *Agricola*. (1.) They call him *Leporius Agricola*, and then confound the two Stories of *Leporius* and *Agricola* together: For after his Preaching *Pelagianiſm*, they mention his *Converſion* and *Recantation* by St. *Auguſtine*'s means. Now there was one *Leporius* of whom (*t*) *Caſſian* and (*u*) *Gennadius* ſpeak, that was a Diſciple of *Pelagius*, who was driven out of *Gaul* by *Proculus*, Biſhop of *Marſeilles*, and *Cylinnius* of *Forum-Julii*, and ſo went into *Africa*, where being convinced by St. *Auguſtine*, he publiſhed his *Recantation* extant in (*w*) *Sirmondus* his *Gallican Councils*, and elſewhere; And *Aurelius*, *Auguſtinus* and *Florentius*, gave an account of it to the Biſhops of *Provence*; But there is no *Pelagian Error* there mention'd, but ſomething of *Neſtorianiſm*: And by *Leontius* ſucceeding *Cylinnius* in his See, before *Anno Dom.* 420. It follows, that *Leporius* recanted before the *Pelagian Hereſie* was ſpread into theſe Parts; And therefore this *Leporius* could have nothing to do in it: Beſides, it ſeems probable that this *Leporius*, after his *Recantation*, continued in *Africa*; For one *Leporius*, a Presbyter, is (*x*) mention'd in the Election of *Eradius* in the See of *Hippo*, *Anno Dom.* 426. and (*y*) St. *Auguſtine* ſaith, *he was a Stranger*, (2.) *Bale* makes him *the Son of* Severus Sulpicius, *a* Pelagian *Prieſt in* Britain: But *Proſper* and *Bede* ſay, he was the Son of *Severianus*, a Biſhop. It is true (*z*) *Gennadius* charges *Severus Sulpicius* with *Pelagianiſm* in his old Age; But if he died, as the

(*p*) Proſper. *in Chron.* Florent. *&* Diony. *Conſ.*
(*q*) *Concil. Gall. Tom.* 1. *p.* 54.
(*r*) Bal. *de Scrip. Brit. Cent.* 1. *n.* 4.
(*s*) Pits *de Scrip. Æt.* 5. *n.* 34.
(*t*) Caſſian. *de Incarn. l.* 1. *c.* 4.
(*u*) Gennad. *de Script. c.* 59.
(*w*) *Concil. Gall. To.* 1. *p.* 51.
(*x*) Aug. *Ep.* 110.
(*y*) Aug. *Serm.* 50. *de diverſis.*
(*z*) Gennad. *de Script. c.* 19.

(*a*) *Sam-*

(*a*) *Sammarthani* say, *Anno Dom.* 410. *Pelagianism* was not known to the World then; And (*b*) *Guibertus Abbas* frees him from the imputation of it: But this *Severus* never was a Bishop, and therefore could not be the Father of *Agricola*, (3.) They both make him *a Monk of Bangor*; which had need to have been a large Place to receive all that they send thither. (4.) They say he did write against one *Timotheus*, a *British* Heretick; *two Books*, saith *Bale*; *but one*, saith *Pits*; Which arises from a Mistake of *Sigebert*'s Copy, where *Britannia* is put for *Bithynia*, as our Learned Archbishop *Usher* hath observed: And *Pits* seemed to have some mistrust of this, for he doth not affirm his spreading his Doctrine in *Britain* as the other doth.

(*a*) *Gall. Christia. To.* 1. *p.* 147.

(*b*) *Apud.* Bolland. *Acta Sanct. Jan.* 29.

But *Pelagianism* was not spread here by *Agricola* alone; for (*c*) *Prosper*, speaking of *Celestine's* care to root it out of *Britain*, he saith, *It had taken Possession here by the Enemies of God's Grace*, Solum suæ originis occupantes, *returning to the Soil from whence they sprang:* So that there were more than one, and those *Britains* who, being infected with that Heresie themselves did return hither to infect others. From hence (*d*) some have thought that *Cælestius* at least, if not *Pelagius*, did come hither, being driven out of *Italy* by *Celestine*; as *Prosper* relates: which *Jansenius* thought not improbable: But it now appears by the *Commonitorium* of *Marius Mercator* delivered to *Theodosius* in the Consulship of *Dionysius* and *Florentius*, *i. e. Anno Dom.* 429. That *Cælestius* did return into the East, and was banished from *Constantinople* by the Emperor's Edict; From whence it follows, That *Cælestius* came not into these Parts; nor do we read what became of him after the Council of *Ephesus*, wherein he was condemned by 275 Bishops, as the same *Marius Mercator* shews. Whose account of these things, being a Person of that time, and active in this Cause, hath clear'd several things, which were much in the dark before.

(*c*) Prosper. *c.* Coll.

(*d*) Jansen. *Hist. Pelag. l.* 1.

But whosoever they were who brought *Pelagianism* hither, it appears by *Prosper* that they were *Britains*, and had too great Success here by the spreading of *Pelagianism*. But care was taken by the sounder part to get it out; and therefore, distrusting their own sufficiency to deal with such subtile Adversaries, *they send for help*, saith (*e*) *Bede*, *to the Bishops of* Gaul; *Who called a great Council, and unanimously chose* Germanus *and* Lupus, two Bishops of great Reputation, to come over on purpose. They readily undertook the Employment, and performed it with great Success, as it is at large related by (*f*) *Constantius* and *Bede*. It is afirmed by a late (*g*) Author, *That the Acts of the Council which sent* Germanus *and* Lupus *are still in being, with the Instructions given them at their coming hither*; If ever they come to light, they will very much clear this intricate part of the History of the *British Churches*. For there is now fifteen years difference among Writers about the time of their coming. *Prosper* saith it was, *Anno Dom.* 429. But *Sigebert*, as (*h*) *Sirmondus* observes, places it, *Anno Dom.* 446. To which he thinks *Bede*'s Relation doth best agree; And *Sirmondus* himself puts it that year *Aetius* III. and *Symmachus* were Consuls, in the 21 of *Valentinian* III. and 5 of *Leo* I. If this Computation of the time be true, then it is impossible that St. *German* should be sent hither by *Celestine*, as *Prosper* affirms; For *Xystus* was Pope after *Celestine*, *Anno Dom.* 432. And it is incredible, That if he

(*e*) Bed. *l.* 1. *c.* 17.

(*f*) Constant. *vit.* Germani.

(*g*) Garner. *diss.* 2. *c.* 21.

(*h*) Sirmond. *Not. in Concil. Gall. Tom.* 1. *p.* 86.

he had been sent hither by Commission from him, neither *Constantius* in his Life of St. *German*, who lived so near that time; nor the Author of the Life of St. *Lupus Trecensis*; nor *Bede* should take any notice of it. But they all mention the particular Application made by the *Britains* to the *Gallican* Bishops for their Assistance; and their meeting in Council on purpose, and chusing, and dispatching St. *German* and *Lupus*, without any intimation of *Celestine*. (*i*) *Baronius* and (*k*) *Jansenius* go about to reconcile these things, by saying, *Either that the Pope approved him whom the Council chose*; *Or that the Pope left it to the Council to chuse*; But neither of these will hold. For *Prosper* saith, *That* Celestine *sent him*, Vice suâ, *in his own Name and stead*; Which is very different from appointing a Council to chuse one to be sent: And *Constantius* saith, *That immediately they went*; Which shews they did not stay for the Pope's Approbation. And withal, the kindness was not so great at that time between *Celestine* and the *Gallican* Bishops, That either he should send to them to appoint; or they should wait for his direction in this matter. For *Prosper* and *Hilary* had made great Complaints of them at *Rome*, as favouring *Pelagianism* too much. And, among these, *Hilary*, Bishop of *Arles*; was the chief. For (*l*) *Prosper* complains of him particularly in his Epistle to St. *Augustine*, which was sent to him, *Anno Dom.* 428, or 429. as the late Editors of St. *Augustine*'s Epistles conclude; So that *Hilary* was Bishop of *Arles* at that time before St. *Augustine*'s death, *Anno Dom.* 430. After his death, the same *Prosper* and another *Hilary* join in a Complaint to *Celestine*, and went to *Rome* on purpose; as appears by his (*m*) Answer, who therein reproves the Bishops of *Gaul*, *for giving too much countenance to some Presbyters who vented new Doctrines*, viz. *Cassian* and his Followers; *and who reflected on the Memory of St.* Augustine. It is not therefore any ways probable that the *Gallican* Bishops, having been complained of so long before St. *Augustine*'s death, that he wrote a Book in answer to them before he died, should be intrusted by *Celestine* to chuse Persons to go over into *Britain* to confute *Pelagianism*, when he suspected them, from *Prosper*'s Information, to be too much inclined to it. It seems therefore most likely that St. *German* and *Lupus* were sent by a Council of *Gallican* Bishops, without the Pope's Concurrence, since *Constantius*, who certainly knew all the circumstances of this matter, saith nothing at all of it. And this St. *German* was so great with *Hilary*, Bishop of *Arles*, that he joined with him in the deposing *Chelidonius* (for which Pope *Leo* was so incensed against him) as *Honoratus* affirms in his Life: which was no new acquaintance, but of so long standing, that if *Hilary* of *Arles* were at that time suspected at *Rome*, St. *German* would hardly have been pitched upon by *Celestine* for his Legate into *Britain*.

I wonder how (*n*) *Baronius* and (*o*) *Vossius* came to mistake the *Hilary* who joined with *Prosper*, for *Hilary* Bishop of *Arles*; Since this *Hilary* never was a Disciple of St. *Augustine*'s, as the other was; And he was certainly Bishop of *Arles*, after St. *Augustine*'s death, when *Celestine* mentions the other *Hilary* as present with *Prosper* at *Rome*, when they informed against the Bishops of *Gaul*. For *Honoratus* succeeded *Patroclus* in the See of *Arles*; *Prosper* saith, that *Patroclus* was killed, *Anno Dom.* 426. *Honoratus* continued but two years in the See: And so *Hilary* might well be newly Bishop of *Arles*, when *Prosper* and the other

(*i*) Baron. *A. D.* 429. *n.* 9.
(*k*) Jansen. *Hist. Pelag. l.* 1.
(*l*) Prosper. *Ep. ad* Aug. *inter* Aug. *Epist.* 225.
(*m*) *Concil. Gall. Tom.* 1. *p.* 59.
(*n*) Baron. *A. D.* 426. *n.* 20.
(*o*) Voss. *Hist. Pelag. l.* 1. *c.* 19.

other *Hilary* ſent to St. *Auguſtine*, as plainly appears by their Epiſtle; So that *Semipelagianiſm* did not, as Archbiſhop (*p*) *Uſher* ſuppoſes, then begin in *Gaul*, when St. *Germanus* and *Lupus* were here employ'd againſt *Pelagianiſm*, but was begun before, and embraced by thoſe very Biſhops who ſent them hither; Who for their own Vindication appear'd zealous againſt *Pelagianiſm*, and were therefore willing to embrace this opportunity to ſend two of their Number into *Britain*. And it is the more ſtrange, that ſo Learned a Perſon ſhould fall into this miſtake, when he had ſo fully proved, as (*q*) *Holſtenius* confeſſes, That *Hilary*, Biſhop of *Arles*, did favour the *Semipelagians*; and it is certain that *Proſper* did complain of him to St. *Auguſtine* (if the Copies be not corrupt, as he ſhews they are not) before St. *German*'s Voyage into *Britain*. For St. *Auguſtine* received the Complaint time enough to write his two Books of *Predeſtination* and *Perſeverance*, in anſwer to it, after his Book of *Retractions*, and before his elaborate Work againſt *Julian*, and therefore they are probably ſuppoſed to be written, *Anno Dom.* 428. If we then yield that St. *German*'s coming hither was when *Proſper* ſaith, *Anno Dom.* 429. yet we find that *Semipelagianiſm* had prevailed among the *Gallican* Biſhops before that time, or elſe there was no cauſe at all for *Proſper*'s Complaint.

(p) Uſſer. *de Prim.* p. 344.

(q) Holſten. *Not. in Martyrol. Rom.* 345.

And to make it appear yet more improbable, that *Celeſtine* ſhould ſend St. *Germanus* and St. *Lupus*; We are to conſider, that *Lupus* was Brother to *Vincentius Lirinenſis*, and were both of the ſame Society. Which *Vincentius* was a great Stickler in the *Semipelagian* Cauſe, as all the Members of that Society that were conſiderable were engaged in it; And when the Pope wrote ſo ſmartly againſt the Accuſers of St. *Auguſtine*'s Doctrine, it is very unlikely he ſhould pitch upon one of that Society moſt ſuſpected for it, and whoſe Brother appeared ſo early and ſo warmly in it; Not only by the Objections under his Name in *Proſper*; But by the whole Deſign of his *Commonitorium*; Which, if I miſtake not, was levell'd againſt thoſe who went about to broach a new Doctrine about *Predeſtination*, as they ſaid, under St. *Auguſtine*'s Name. And they who carefully read over that Diſcourſe, and conſider the drift of it, will find I am not miſtaken: But (*r*) *Baronius* is, when he would clear the Author of the *Commonitorium* from favouring thoſe who impugned St. *Auguſtine*'s Doctrine about *Predeſtination*; Which was quite another thing from favouring *Pelagianiſm*, which *Caſſianus*, *Fauſtus*, and this *Vincentius* all profeſſed to abhor.

(r) Baron. *Not. ad Martyrol.* 24. *Maii.*

But what ſhall be ſaid to *Proſper*, who affirms, *that* Celeſtine *ſent St.* German? (1.) (*s*) *Proſper*, in his undoubted Work againſt *Caſſian*, doth not affirm it. For there he only ſaith, *That* Celeſtine *took care to free* Britain *from* Pelagianiſm. Why is not the Miſſion of St. *German* here mention'd, when it had been moſt ſeaſonable againſt the chief of the *Semipelagians*? No doubt *Proſper* would not have loſt this Opportunity of magnifying *Celeſtine*'s Care, by ſending Biſhops of ſo great Reputation. Eſpecially, if theſe Biſhops were not *Semipelagians*; But if ſo, why doth he not mention them in that Work as ſuch, when he complains how much *Semipelagianiſm* did prevail, and even among their Biſhops? (2.) The *Proſper* publiſhed by *Pithæus* never mentions it, which he thought to be the genuine *Chronicon* of *Proſper*. (*t*) *Hadrianus Valeſius* concludes one or the other not to be genuine; ſince they differ

(s) Proſper. *c. Caſſ. ad fin.*

(t) *Rer. Franc. l.* 3. p. 102.

differ in point of time, and it is not probable the same Man would write two several Books about the same matter with such Diversity. (*u*) *Bucherius* thinks it impossible the same Person should write both; yet both pass under the Name of *Tyro Prosper*; and so he saith the ancient *MS.* of it, which he had (which was like that (*w*) *Pontacus* calls *Lodunense*) had that Name in the Title of it; But *Pontacus* his had the Title of *Prosper Aquitanus*, where he is said to be *Episcopus Regini*, and great debate hath been, whether he was Bishop of *Regium Lepidum* in *Italy*; or of *Regium* (*Rez*) in *Gaul*; But (*x*) *Sirmondus* proves, *he was neither one nor the other*; By the Testimonies of *Gennadius*, *Victorius*, *Marcellinus*, and others; And by *Faustus* immediately succeeding *Maximus* in that See: And so leaving no room for *Prosper* between them. But there was a *Prosper* Bishop of *Orleans* at that time; and another *Prosper*, Bishop of *Regium Lepidum* in *Italy*, as (*y*) *Ughellus* shews, which might occasion the Mistake; But, besides these, (*z*) *Sirmondus* tells us, there was another *Prosper* in *Gaul* who wrote a *Chronicon* too, and ended at the same time with *Tyro Prosper*; with this difference, that the one was only an *Appendix* to St. *Jerome*, the other an entire *Chronicon*, as *Gennadius* expresses it. Which is supposed to be that published by *Labbe* out of several *MSS.* But (*a*) those who have carefully examin'd it have found such a difference in the *Computation* used in the several parts of it, That they cannot think them written by the same Author; And therefore conclude that published by *Pithæus* to be the genuine *Chronicon* of *Prosper*, as far as it reaches; And that the first Part, which should make it entire, is not yet discover'd. So that it remains uncertain whether this Passage be in the true *Prosper* or not. Our (*b*) Learned Primate of *Armagh* was of Opinion, *That the Chronicon published by* Pithæus *was not written by* Prosper, *but by* Gennadius; because *Boston* of *Bury* saith, *That* Gennadius *added a Chronicon to St.* Jerome. And, I confess, the Passage in it about the Heresie of the *Prædestinati* doth better agree with *Gennadius* than *Prosper*; And for that Reason *Sirmondus* hath found out another *Prosper*. But the President (*c*) *Mauguin* saith, *it was counterfeited by the* Semipelagians *in* Prosper's *Name*; *And that there is no mention in any Authors of another* Prosper *who published a Chronicon, which ended at the time the true* Prosper *did*, viz. *Anno Dom.* 444. *Sirmondus* saith, *All the ancient Copies had the Name of* Prosper *upon it.* And it is so quoted by *Sigebert*; But if he had a mind to pass for the other *Prosper*, he would never have differ'd so materially as he doth from him. So that this whole matter is very dark and obscure yet. (3.) Suppose it be granted that *Prosper* wrote so, yet there is greater Reason to believe *Constantius* than *Prosper* in this matter. For *Constantius* was not only living in that Age, but a Person of great Reputation, as appears by *Sidonius Apollinaris* his Epistles to him; and one that wrote with great fidelity, saith (*f*) *Baronius*; And therefore it cannot be supposed that he should not expresly set down by whom St. *German* was sent into *Britain*. Besides, *Constantius* is not alone; but the Author of the Life of St. *Lupus* gives the same account; and so doth *Bede*, (with whom *Paulus Diaconus*, *Freculphus*, *Erricus* and *Ado Viennensis* agree) And he places their coming after the Reign of *Theodosius*; And therefore it was impossible that *Celestine* should send them.

(*u*) *Doctr. Tem. c.* 12. *p.* 212.
(*w*) Pontac *App. ad Chron. p.* 28.
(*x*) Sirmond. *Not. ad* Sidon. Apoll. *l.* 8. *ep.* 15.
(*y*) Ughell. *Ital Sacr. Tom.* 2. *p.* 299.
(*z*) Sirmond. *Hist. Prædest. c.* 5.
(*a*) *Annal. Eccles. Franc. A. D.* 455. *n.* 7. 433. *n.* 18.
(*b*) Usher. *de Prim. p.* 429.
(*c*) Maug. *Hist. & Chronica Dissert. p.* 519.
(*f*) Baron. *A. D.* 429. *n.* 9.

St.

St. *Germanus* and *Lupus* being thus employ'd by the Bishops of *Gaul*, in a solemn Conference at (*g*) *Verulam* they disputed with the *Pelagians*; and had so great Success therein; and by their Preaching up and down in many places, *That they left the* Britains *well settled*, as they supposed, *in the ancient Faith.* But no sooner were they returned, but some of the *Pelagians* got ground again; which occasion'd another Message to St. *German*, who then took with him (*h*) *Severus*, Bishop of *Triers*; And then they prevailed so far as to procure the banishment of these Heretical Teachers, according to the Edict of *Valentinian*; And from thence forward *Bede* observes *that the* British *Churches continued sound and orthodox.*

(*g*) Matt. West. *A. D.* 446.

(*h*) Bed. *l.* 1. *c.* 21.

But here it will be proper to consider how justly two *British* Bishops have been charged with *Pelagianism*; the one is *Fastidius*, and the other *Faustus.*

As to *Fastidius*, (*i*) *Leland* confesses, *that his memory had been lost, but for the mention which* Gennadius *makes of him* (*k*); who saith of him, *that he was* Britannorum Episcopus; *And wrote a Book to one* Fatalis, De vitâ beata, *wherein the Doctrine was very sound and good.* (*l*) *Trithemius* highly commends him, *as a man of great Wit and Eloquence, an excellent Preacher, and very pious Man.* (*m*) *Bale* saith, *that, being made Bishop, he preached over all* Britain, *and was, as is reported, Metropolitane of* London: What *Bale* speaks *upon report*, (*n*) *Pits* affirms *with confidence*, that he was *Archbishop of* London. (*o*) Archbishop *Usher* thinks, they had no other ground for this, but a different reading in *Gennadius*, Britanniarum Episcopus. *From whence they concluded, He must be Archbishop of* London, *that being, as they supposed, the Metropolis of* Britain; *but he rather inclines to the opinion of* Bertérius; *That* York *was then the Metropolis of* Britain; *not only because it was a* Roman *Colony, but because the* Prætorium *and Emperor's Palace was there.* But these Arguments are not sufficient to overthrow *London*'s being the chief *Metropolis* of the *Roman* times. For every Province had its *Metropolis*; And the superiority of one *Metropolis* above another depended on the Residence of the *Roman* Governour, the *Vicarius Britanniarum.* I grant that, in the time of the Wars with the Northern *Britains*, *York* was the chief Seat of the Emperor when he was here, as in the times of *Severus* and *Constantius*; but that was for the conveniency of attending the Wars, and being near to give Directions and send Supplies. But the Preheminence of Places in the *Roman* Account did depend more upon the *Civil* than the *Military Officers*; These being more uncertain than the other, and where the Supreme *Court* of *Judicature* was, that was the *chief Metropolis*, and that was where the Supreme Governour of those Provinces had his Residence. Thus every Province had a President in the *Metropolis*; but where there was a Superiour Officer over these Presidents, as the *Vicarius Britanniarum* was over the five Provinces, the Place of his residence was the *highest Metropolis*, because the Presidents Courts were in Subordination to his, whether they were *Consular* or *Presidial*; and therefore the solemn *Conventus* out of the Provinces were appointed there. Of these things we have a clear instance in the Case of *Arles*, whereby the Constitution of (*p*) *Honorius*, *the seven Provinces, over which that was the Metropolis, were to have an annual Assembly there*, where the chief Magistrate resided; and the Reasons there given are, the great conveniency of that City being upon the River *Rhosne*, both for other business and trading into all parts.

(*i*) Leland. *de Script.*

(*k*) Gen. *Catalog.*

(*l*) Trith. *de Script.*

(*m*) Bal. *Cent.* 1. *n.* 41.

(*n*) Pit. *de Scrip. An.* 5. *n.* 30.

(*o*) Usser. *de Prim. P.* 317.

p. 97.

(*p*) *Vit.* Sirmond. *Not. ad* Sidon. Apollin. *p.* 245.

The ſame Reaſons will hold to make *London* the *chief Metropolis* in the *Roman* times, becauſe of its admirable ſituation for Trade and Commerce, and the opportunity of ſending into, or receiving Diſpatches from the foreign Provinces and the Emperor's Court where ever it was. So that I ſee no reaſon to queſtion *London*'s being the chief *Metropolis* among the *Romans*. The Argument from *York's being a Colony* ſignifies nothing after *Antoninus* gave the *Jus Civitatis* to the whole Empire; and *London* was a *Colony* before *York*, (as I may ſhew elſewhere) and of a higher nature, when it was called (*q*) *Auguſta*, which ſhews that it was then the *Imperial City of* Britain, that name being given to no other City in *Britain* beſides. And it is obſerved by the learned (*r*) *Marc. Velſerus*, *That thoſe Cities which had the Title of* Auguſta *conferred upon them, where the* Capita Gentium, *the chief Metropoles of the Provinces*; And ſince by the general Rule of the Church, the Eccleſiaſtical Government did follow the Civil, There is no reaſon to queſtion, but if *Faſtidius* were then Biſhop of *London*, he was the chief *Metropolitane* over the *Churches* of *Britain*.

(*q*) Am. Marcel. *l.* 27 8.28.3.

(*r*) Velſer. *Rer. Vindel. l.* 5.

But whether *Faſtidius* were *Metropolitane*, or only a *Britiſh* Biſhop, his Doctrine is of late charged to be inclinable to *Pelagianiſm*. For *Holſtenius* found in an ancient *MS.* the Book *Faſtidius* wrote *De Vita Chriſtiana* with his name to it, and ſo publiſhed it; but it is not directed *ad Fatalem*, but to a certain Widow. In this Book a late (*s*) *Auguſtinian* hath diſcovered, as he thinks, *ſome Tincture of* Pelagianiſm; but to any candid Reader his Exceptions will appear very frivolous, and there is ſo much of true Primitive Chriſtianity in the reſt of it, as makes good the Character which *Gennadius* and *Trithemius* give of him. Out of which Book, and no great one, *Bale* hath made *four*, one *De Vita Chriſtiana*, a ſecond *De Doctrina Spiritûs*, a third *De Vidituate ſervanda*, a fourth, *Admonitiones Piæ*. *Pits* keeps the ſame number, but leſt he ſhould ſeem to take all out of *Bale*, he alters the Title of one of them; And becauſe *Gennadius* ſaith his Doctrine was *Deo digna*, therefore *Pits*, very artificially, makes the Title of his ſecond Book to be *De Doctrina Deo digna vel ſpirituali*. *Boſton* of *Bury* makes him *the Author of two Books*, by miſtaking *Gennadius*; but as far as we can find, there is but one exſtant. (*t*) *Dempſter* hath found *Faſtidius to have been born upon the Mountains of the Weſtern parts of Scotland*, and he makes him Author of a fifth Book called *Chronicon Scotorum*, which is a Strain beyond *Pits*. He poſitively affirms that he lived *An. Dom.* 440. *Trithemius* ſaith, about *An. Dom.* 420.

(*s*) Hen. de Noris, *Hiſt. Pelag. l.* 1. *c.* 19.

(*t*) Dempſter. *Hiſt. Eccleſ. l.* 6. *n.* 530.

As to *Fauſtus*, his Caſe is much harder. That he was originally a *Britain* I find not denied by any; For although (*u*) *Facundus* calls him a *Gaul*, yet that was becauſe of his being a Biſhop ſo long there, as *Sirmondus* obſerves; he being *Ortu* Britannus, *habitaculo Regienſis*, as (*w*) *Alcimus Avitus* ſaith, in his Epiſtle to *Gundobadus*, King of the *Burgundians*, *to whom*, he ſaith, *Fauſtus was known*. In his (*x*) Epiſtles to *Ruricius*, *Fauſtus* ſpeaks of his living in a *State of Baniſhment*, *and the Comforts he found in it*; This our Learned (*y*) Primate underſtood of his living *out of his own Country*; But (*z*) *Hen. de Noris*, *of a Baniſhment by* Euaricus *an* Arian *King then in* Gaul, *which he ſuppoſes he underwent for writing againſt the* Arians. If he had produced any Teſtimony of ſuch Baniſhment, there might have been Reaſon to have underſtood his Expreſſion ſo; But ſince there is none, and his Words are general as to his Country; I ſee no cauſe to take them in any other ſenſe.

(*u*) Facund. *c.* Mocian. *p.* 561.

(*w*) Alc. Avit. *Ep.* 4. *p.* 35.

(*x*) Canit. *Antiquæ Lect. To.* 5. *p.* 435.

(*y*) *De Primord. p.* 439.

(*z*) Noris *Hiſt. Pelag. l.* 2. *c.* 16.

ſenſe. For Men do not uſe to call that their Country where they live as Strangers, and he ſpeaks of the kindneſs of *Ruricius* ſo to him, that he did *Patriam in peregrinatione facere*, which cannot well bear any other ſenſe, than that he made up *the want of his own Country to him.* (*a*) *Sirmondus* grants he was a *Britain*, but he adds, *he was one of thoſe* Britains *who dwelt upon the* Loir, *i. e.* in the parts of *Aremorica.* There is no queſtion, but in the time of *Fauſtus*, there were great numbers of *Britains* there; for (*b*) *Jornandes* ſaith, *That* Riothamus, *their King or General, went with* 12000 Britains *againſt* Euricus, *King of the* Viſigoths. Which *Riothamus* (*c*) *Sidonius Apollinaris* writes to, and mentions the *Britains with him*; But it may be juſtly a queſtion, whether there were any *Colonies* of *Britains* on the Continent, before *Fauſtus* his birth; For *Fauſtus* was made Abbat of *Lerins*, before the *Saxons* came firſt into *Britain*; For he was Abbat when St. *Capraſius* died, as the Author of his Life affirms, which was about *An. Dom.* 430. But their coming was not till *An. Dom.* 449. and it will be hard to make out any Settlement of the *Britains* on the *Loir* before. It is then moſt probable that *Fauſtus* went at firſt out of *Britain* into *Gaul*, where he attained to a wonderfull Reputation both for Piety and Learning. *He was worſhipped as a Saint*, ſaith (*d*) *Noris*, *in the Church of* Riez, and his Name was preſerved in the *Calender* of the *Gallican Church.* *Molanus* was the firſt who durſt adventure to ſtrike out his name; *Baronius* follow'd him, but upon admonition reſtored it, as (*e*) *Bollandus* obſerves, who likewiſe takes notice, that he was called a Saint by *Cl. Robertus*, by *Ferrarius*, and by *Pet. Galeſinius*, in his *Martyrology*, who adds, *that his Books are piouſly and learnedly written, and that Miracles are ſaid to be wrought by him.* It is certain, he was a Perſon in mighty eſteem in his own time, as appears by the Paſſages of (*f*) *Sidonius Apollinaris*, of (*g*) *Ruricius*, and others, concerning both his Eloquence, Learning and Piety. Of whom *Sidonius Apollinaris* gives that excellent Character, *that he had learnt to ſpeak better than he was taught, and to live better than he ſpake:* He was Biſhop of *Riez*, *An. Dom.* 462. for at that time he was joined with *Auxanius* in determining the Controverſie between *Leontius* of *Arles* and *Mamertus* of *Vienna.* But nothing can more manifeſt the eſteem he was then in among the *Gallican* Biſhops, than that in the Council of *Arles* he was pitched upon as the fitteſt Perſon to draw up their ſenſe in the great Points then ſo much agitated about *Predeſtination* and *Grace*, as appears by his Preface to *Leontius.* At this Council thirty Biſhops were preſent, and there *Lucidus* preſented his *Recantation* of the *Errors* he held about *Predeſtination*, and after this *Fauſtus* wrote his Books of *Grace* and *Free-will*, to which, he ſaith, another Council at *Lyons* cauſed ſome things to be added. In theſe Books it is thought that, under a Pretence of confuting thoſe Errors, he ſets himſelf againſt St. *Auguſtine's Doctrine*, as ſeems clear by one Expreſſion in his firſt Book; *That if it be true, that ſome are predeſtinated to Life, and others to Deſtruction, ut quidam Sanctorum dixit, non judicandi naſcimur, ſed judicati:* But theſe words may refer to what follows, as well as to what went before, *As a certain holy Man hath ſaid, We are not born to be judged, but we are judged before we are born.* According to which Doctrine, ſaith *Fauſtus*, *There can be no Equity in the day of Judgment.*

It hath been a great Queſtion among ſome Learned Men, whether there were any Perſons who drew ill Conſequences from St. *Auguſtine's*

(*a*) Sirmond. *Not. ad* Facund. *p.* 562.
(*b*) Jornand. *c.* 45.
(*c*) Sidon. Apoll. *l.* 3. *ep.* 9.
(*d*) *Hiſt. Pelag. l.* 2. *p.* 297.
(*e*) *Acta Sanct. ad* 16 *Jan.*
(*f*) Sidon. Apoll. *Ep.* 3. 9. *l.* 9. *& in Eu-*char.
(*g*) Ruric. *Epiſt. l.* 1. *ep.* 2.

Doctrine, and were therefore oppoſed by *Fauſtus* and others, or whether it were the *mere Doctrine of* St. *Auguſtine* that was ſo oppoſed by them, and urged with thoſe Conſequences as following from it. I ſee no Reaſon to deny, that the *Semipelagians* did charge the followers of St. *Auguſtine* with the ſame things which are made the Opinions of thoſe who are called the *Predeſtination Heretiks* by *Sigebert*, *Gennadius*, *Hincmarus*, and others. But yet that there were certain Perſons who did own ſuch bad Conſequences as the overthrowing *the Liberty of Man's Will* and the *Neceſſity of our Endeavours*, will appear from theſe two Reaſons. (1.) St. *Auguſtine*'s Doctrine was ſo miſunderſtood by ſome in his Life-time, as appears by the Controverſie amongſt the *Adrumetine Monks*. The Caſe was this, *Florus*, one of that Society, going to *Uzala*, a City dear *Utica*, between *Hippo* and *Carthage*, where *Euodius* was then Biſhop, a Friend of St. *Auguſtine*'s, there met with (*h*) St. *Auguſtine*'s large Epiſtle to *Sixtus* againſt the *Pelagians*, which being ſent home, and *Florus* himſelf going to *Carthage*, before his return they were fallen into great Heats upon the Occaſion of that Epiſtle. *Some of them*, as (*i*) St. *Auguſtine* himſelf ſaith, *did ſo preach up the Grace of God, as to deny Free-will, and conſequently to ſay, That God in the day of Judgment would not render to men according to their Works*; Others ſaid, *That our Free-will was aſſiſted by the Grace of God, that we may know and do the things that are right*; *That the Lord, when he comes to render to every Man according to their Works, may find our Works good, which he hath prepared that we may walk in them. And they*, ſaith he, *who judge thus do judge rightly.* Therefore thoſe who thought otherwiſe did miſtake his Doctrine; For, as he ſaith, *If there be no Grace, there can be no Salvation*; *If there be no Free-will, there can be no day of Judgment.* To what purpoſe is all this, if ſome of theſe did not ſo miſunderſtand his Doctrine as to overthrow all Liberty of Will in Mankind? And ſo (*k*) *Euodius*, in his Anſwer to thoſe *Adrumetine Monks* ſhews, *That there is ſtill Free-will in us, but wounded by the Fall, and only recoverable by the Grace of* Chriſt. (*l*) Janſenius *grants that they did miſunderſtand St.* Auguſtine's *Doctrine, thinking that Free-will was wholly deſtroyed by it*; *And that no Man ought to be reproved when he doth amiſs, but that others ought to pray that he may have Grace to do better.* But the Preſident (*m*) *Mauguin* will not allow this; For he ſaith, *That St.* Auguſtine *was at firſt falſely informed of the ſtate of the Controverſie among them by* Creſconius *and* Felix; *But after* Florus *his coming he found they were* Semipelagians *who miſunderſtood his Doctrine.* But to what purpoſe then doth (*n*) St. *Auguſtine* take ſuch pains to prove even in the Book he wrote after the coming of *Florus*, *That there is Free-will ſtill left in Mankind? Liberum itaque arbitrium confitendum nos eſt habere, & ad malum, & ad bonum faciendum.* Not ſo as to exclude *the neceſſity of Divine Grace*, as he proves at large, *but yet in ſuch a manner as to ſhew its conſiſtency with Divine Commands, and the juſt Reproof and Puniſhment of thoſe who do amiſs.* Which ſhews plainly, That he thought there were ſome ſtill who miſinterpreted his Doctrine, not barely to object againſt it, but to make ill uſe of it. Therefore (*o*) *Noris* had no Reaſon to conclude *that the Error of the* Adrumetine *Monks was* Semipelagianiſm. (2.) It appears evidently from the Caſe of *Lucidus*, and the Councils of *Arles* and *Lyons*. I grant that the Objections mentioned by *Proſper* and *Hilary* were made by the *Semipelagians*, and not by any *Predeſtination Hereticks* at that time in *Gaul*; and therein (*p*)

(*h*) Valent. *ad* Aug. *Ep.* 216.

(*i*) Aug. *ad* Valent. *Epiſt.* 214.

(*k*) *Apud* Sirmond. *Hiſt. Prædeſt. c.* 1.

(*l*) Janſen. *Hiſt. Pelag. l.* 1. *p.* 27. *l.* 7. *c.* 1.

(*m*) *Prædeſt. Fab. confut. c.* 1.

(*n*) *De Corrept. & Grat. c.* 1.

c 4. 14, 15, 16.

(*o*) *Hiſt. Pelag. l.* 2. *p.* 281.

(*p*) *Hiſt. Prædeſt. c.* 2, 3.

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Sirmondus was certainly mistaken, as he was likewise, when he saith, *that the Epistle of* Celestine *was against the latter, and not against the former.* But it appears by *Faustus* his Epistle to *Lucidus* that there were some who did so assert *Predestination* as to make all Mens Endeavours vain and useless; And this dangerous Error he renounced in his Recantation delivered to the Council of *Arles.* (*q*) *Mauguin* is very hard put to it, when he saith, *That all these things were the mere invention of* Faustus; whom he makes to be *Countryman* with *Pelagius* and *Cœlestius*, and *to have sucked in the Poison of* Pelagianism *with his Milk.* He grants that he was famous for his Wit, Eloquence and Philosophy; But especially for *a profound cunning*, which (*r*) *Isidore* mentions in him; From whence he endeavours to prove by many Arguments, *That these Councils and Epistles were all forged by* Faustus. But he is so far from persuading Learned Men to be of his Mind, That (*s*) *Noris* himself confesseth *he can never assent to it*; And although it be looked on as part of the cunning of *Faustus*, that he designed to convey his Books so privately to his Countrymen the *Britains*, as appears by the Epistle of *Sidonius Apollinaris* to him, yet it is utterly incredible that he should forge two Councils, and set down the Names of several Bishops as present in them, with whom *Sidonius Apollinaris* was particularly acquainted, and yet he not discover the Cheat and Imposture. But the *Jansenists* yield, that both those Councils were held about *An. Dom.* 475. But they say, *that the Bishops were partly* Semipelagians, *partly deceived by* Faustus *who was so*; And *Noris* doth not deny, *that there were other Persons who were then charged with those Opinions which* Lucidus *held. But*, he saith, *they were not many nor considerable enough to make a Sect*; *And that they did not willingly yield those Consequences. But not knowing how to answer the* Semipelagians, *they were forced to assert them*; *Which their Adversaries therefore charged them with as their own Opinions.* Which seems no improbable Account of those called *Predestinations.* It cannot be denied, that *Faustus* his Books were severely censured after his death, not only by the *Scythian Monks* at *Constantinople*, among whom *Joh. Maxentius* was the chief; but by the *African* Bishops who were then Exiles in *Sardinia*, by whom *Fulgentius* was employ'd to write against them. But *Possessor*, one of the *African* exiled Bishops, being then at *Constantinople*, and finding great Heats about *Faustus* his Books, sends to Pope *Hormisdas*, to know his Judgment about them; Which he did at the request of *Vitalianus* and *Justinianus* two of the greatest Men in the Emperor's Court. He returns a cautious Answer as to *Faustus*; Which, by the way, shews how little Credit is to be given to the Decree of *Gelasius* about *Apocryphal Books*, for therein *Faustus* his *Books* are condemned. But if this had been done by *Gelasius*, is it probable that *Hormisdas*, his Successor, would have stuck so much at it as *Maxentius* saith that he did? But he refers them for the sense of the Church to St. *Augustine*, and *Prosper*, and *Hilary*; And the *Definitions* of his *Predecessors. Maxentius* rails against this Answer, as unsatisfactory and next to *heretical*, and sets St. *Augustine*'s Sayings against those of *Faustus.* Afterwards *Cæsarius*, Bishop of *Arles*, not only wrote against *Faustus* his Doctrine, but by his means chiefly it was condemned in the *Second Council of Orange:* Which asserted *the Necessity of Preventing Grace*; The denying whereof was the main *Error* charg'd on *Faustus*, not so much as to *good Works* for (*t*) *Jansenius* hath at large proved, *That the* Semipelagians *did yield the Necessity of Internal Grace*

(*q*) *Præd. Fab. confut. c.* 7.

(*r*) Isid. *de viris illustr. c.* 14.

(*s*) *Hist. Pelag. l.* 2. *c.* 15.

(*t*) Jansen. *Hist. Pelag. l.* 8.

as

as to them;) but *Faustus* and *Cassian* and *Gennadius* denied it as to *Faith* or *Good Inclinations*.

But to return to St. *Germanus* and his Companions into *Britain*; If we give Credit to our *Antiquaries*, they did other Kindnesses to the *British* Churches besides the confuting *Pelagianism*, whereof two are most considerable. (1.) The Institution of *Schools* of *Learning* among the *Britains*. (2.) The Introduction of the *Gallican Liturgy* into the use of these Churches.

(1.) As to *Schools* of *Learning*, none were more famous among the *Britains* than those of *Dubricius* and *Iltutus*, who are both said to have been the *Disciples of St.* German. The Anonymous Author of the *Chronicle* in (*u*) *Leland* saith, *that St.* Germanus *and* Lupus, *having rooted out* Pelagianism, *consecrated Bishops in several parts of* Britain, *and among the rest they placed a Cathedral at* Landaff, *and made* Dubricius *Archbishop, who disposed of his Disciples to several Churches*; *He made* Daniel *Bishop of* Bangor, *and sent* Iltutus *to a Place from him called* Llan Iltut, *or the* Church *of* Iltutus. (*w*) *Camden* saith, *to this day it is called* Llantuit, *where the Foundations of many Houses are still to be seen*; Near the Place called *Bovium* in the *Itinerary*, now *Boverton*. But there is another Place near *Nidum* or *Neath*, whose name comes very near it *Llanyltad*. The (*x*) old Register of *Landaff*, after it hath mentioned *the frequent Messages the* Britains *sent to the neighbour Bishops of* Gaul *for assistance against the* Pelagians, *and the coming of* Germanus *and* Lupus *sent by them*, it adds, *that they consecrated Bishops in many Places, and made* Dubricius *Archbishop over all the* Britains, *Dextralis partis* Britanniæ, *Of the right hand part of* Britain. With which *John* of *Tinmouth* and *Capgrave* agree. What this *Right hand part of* Britain *was* at the time of the Consecration of *Dubricius* is not so easie to understand; Archbishop (*y*) *Usher* takes it for *South Wales*; it being the custom of the *Britains* to call *the South the Right hand side*; so *Asserius Menevensis* calls *Sussex* the *Region of the Right hand* Saxons. But it is observable that (*z*) *Asserius* there makes *Demetia*, or *South Wales*, to be but a part of what he calls *Dextralis pars* Britanniæ. For when he saith in general, *That all the Countrey of the Right hand of* Britain *submitted to King* Alfred, he then instanceth particularly in *Hemeid* King of *Demetia*, and *Houil*, and other Kings of *Guent*, by which *North Wales* is as much understood as *South Wales* is by the other. And therefore I rather think *Dubricius* was made Archbishop over all the *Britains* in those Parts; For (*a*) *Ranulphus Cestrensis* saith, *The Bishop of* Caerleon *had seven suffragan Bishops under him*: And (*b*) *Matt. Westminster* saith, *That* Dubricius *was made Archbishop of* Caerleon, (although he might have a Seat at *Landaff*, as the Register of that Church affirms, by the Gift of *Mauricius*.) But it appears that he had then *Archiepiscopal Power*; And possibly, upon the Disturbance of those times, the See might for a time be removed to *Landaff*; From whence it was again removed by St. *David* to the Town bearing his Name. But the Bishops of *Landaff* who succeeded were so unsatisfied with it; That the Register of that Church saith, *That from* Oudoceus *the second from* Dubricius, (for he succeeded *Thelianus* in that See) *They chose rather to be Consecrated by the Archbishops of* Canterbury, *than by their own Metropolitan of St.* David's, as appears by the Protestation made by the Bishop of *Landaff* to *Calixtus* II. in the Council of *Rhemes*, *Anno Dom.* 1119. But I confess, it doth not seem very probable that a *British* Bishop should

(*u*) Collect. vol. 2. p. 42.

(*w*) Brit. p. 498.

(*x*) v. Monast. Anglic. vol. 3. p. 188.

(*y*) De Primord. p. 852.

(*z*) De Gestis Alfred. ad A. D. 884.

(*a*) Polychron. l. 1. c. 52

(*b*) Matt Westm. A. D. 490, & 507.

should go for Consecration to *Augustine* the *Monk* or his Successors; For the *British* Bishops did all look on them as *Intruders*; And if any should have done it, how would they have been received by the *British* Churches at that time? It is therefore far more probable, either that they went over to the *British* Archbishop, at *Dol* in *Britannie*, or that there was a Succession preserved for some time of the Archbishops of *London* among the *Britains*, after the retirement of *Theonus* and *Thadiocus*, the two other *Metropolitans* of *London* and *York*, who, as (*c*) *Matt. Westminster* saith, *did withdraw when their Churches were destroyed by the* Saxons, *with many of their Clergy into* Wales; where as long as that Succession continued they might exercise some parts of their Function, leaving the main to the Archbishop of *Caerleon*, to whom of right it belonged; And *Ranulphus* saith; *That Province extended as far as the* Severn, *and so took in* Chester, Hereford *and* Worcester; But before *Dubricius* was so much advanced, the Authors of his Life speak of the *great number of Scholars which flock'd to him from all Parts of* Britain; Not the Rude and Vulgar only, but Persons of greatest Reputation, among whom they name St. *Theliaus*, *Samson*, *Aidanus*, and many others. Two Places they mention, where he received and instructed his Disciples, one at *Hentlan*, on the River *Wye*, where they say *he had a thousand Students with him, whom he brought up in humane and divine Literature.* And the other was at *Moch-rhos*, where he had a Place for Study and Devotion.

(c) Matt. Westm. A. D. 586.

Iltutus by (*d*) *Vincentius*, and the (*e*) Author of the Life of *Samson* is said positively to have been *a Disciple of St.* Germanus; And the (*f*) Author of the Life of *Gildas* saith, *That in the School of* Iltutus *many Noblemens Sons were brought up*, among whom he reckons as the chief *Sampson*, afterwards Archbishop of the *Britains*, viz. at *Dol* in *Britannie*; *Paulus*, Bishop of the *Oxismii*, the most Northern of the *Aremorici* (which Bishoprick is since divided into three, *Treguier*, St. *Pol de Leon* and St. *Brieu*) and *Gildas*, called *Sapiens*, of whom afterwards: *Leland* to these adds *David* and *Paulinus*: And saith, *his School flourished like an University among the* Britains. (*g*) *Bollandus* and *Henschenius* make a very probable Conjecture, *That when St.* German *came into* Britain, *and found the decay of Learning to have been the great occasion of the spreading of* Pelagianism *he appointed* Dubricius *and* Iltutus *to undertake the Education of the* British *Clergy*; And that by these means, as *Bede* saith, *these Churches continued afterwards pure and free from this Heresie.* Which was a wise and seasonable Institution; And hereby we see the *British* Churches were not defective in Learning in their lowest Condition, when the *Britains* were forced to leave their Habitations, and to fly into Corners.

(d) Vincent. Spec. Hist. l. 21. c. 105.
(e) Biblioth. Floriac. p. 468.
(f) Vit. Gild. ib. c. 3.
(g) Act. Sanct. Feb. 9. Vit. S. Teliaj. Com. præv. §. 1. n. 3.

Of which, besides these Nurseries of *Dubricius* and *Iltutus*, we have a famous Instance in the Monastery of *Banchor*, which even (*h*) *Bede* saith, *was furnished with learned Men at the coming of* Augustine *into* England. This *Banchor* was distant but ten or twelve Miles from *Chester*, as (*i*) *Ranulphus Cestrensis*, and *Bradshaw*, in his Life of St. *Werburg*, say. (*k*) *Leland* in his Itinerary describes the Place as *standing in a Valley, and having the compass of a walled Town, and two Gates remaining half a Mile distant from each other.* (*l*) *Camden* supposes it to be the *Bomium* in *Antoninus*, being ten Miles distant from *Deva*, *i. e. Chester*. That which was most observable in this *British* Monastery was, that Men there were bred up to *Learning* and *Devotion* together, and so more resembling

(h) Bed. l. 2. c. 2.
(i) Polychr. l. 4. c. 31.
(k) Collect. vol. 2. p. 63. Itiner. p. 308.
(l) Camd. Brit. p. 457.

ſembling our *Colleges* than the *Egyptian Monaſteries*, where Men were brought up to *Ignorance* and *Labour* as much as to *Devotion*. Wherein the *Benedictines* followed them according to their firſt Inſtitution: For St. *Benedict* himſelf not only deſpiſed Learning, as the Writers of his Life ſay; But he takes no care about it in the *Rule* of his *Order*; And when (*m*) *Boniface* gave an account to *Zachary* of his ſetting up a *Benedictine Monaſtery* at *Fulda*, he ſets the Monks out by their *Abſtinence and hard Labour with their own Hands, without Servants*. It is true that (*n*) *Trithemius* ſpeaks much of *the Schools of Learning in the Benedictine Monaſteries*, but not before *Anno Dom.* 890. which was after the (*o*) *Conſtitutions* of *Charles* the Great, *who appointed Schools for inſtructing Youth both in Monaſteries and Cathedrals*; Which gave the firſt Countenance and Encouragement to Learning at that time; And (*p*) *Lupus Ferrarienſis* ſaith, *That the reviving of Learning was then owing to him:* But although theſe *Conſtitutions* extended no farther than to *Grammar Schools*; yet from hence, thoſe who were inclined to Learning in the *Monaſteries* applied themſelves more to it; and by degrees gained a great Reputation by it, as *Rabanus Maurus* at *Fulda*, whoſe eſteem drew *Lupus* thither, and many others; Which example prevailing, and the Monks finding ſuch reſort to increaſe their Wealth as well as Reputation, as (*q*) *Aub. Miræus* obſerves; from that time the Monaſteries were deſirous to have ſome of their Number to be eminent for Learning, which had been before ſo much neglected by them, as wholly beſides the Rule of their Order. But the *Monaſteries* of the *Weſtern Churches* before St. *Benedict*'s time, ſuch as that of St. *Ambroſe*, St. *Euſebius* of *Vercelles*, St. *Auguſtine* in *Africa*, St. *Martin* in *Gaul*, were chiefly intended as *Nurſeries* to the Church, and the Perſons educated therein, were brought up with a deſign to do the Church Service afterwards. This method of Education taking ſo much in other Churches (as in *Gaul*, where ſo many eminent Biſhops were taken out of the *Monaſtery* of *Lerins*, according to the Rule of *Capraſius*,) St. *German* who was ſo well acquainted with St. *Honoratus*, St. *Hilary* of *Arles*, and others of that Education, might probably be the firſt Inſtrument of ſetting up this way in the *Britiſh Churches*. And to confirm this, St. *Patrick*, who carried over this *Monaſtick Education* into *Ireland*, ſpent many Years under the Diſcipline of St. *German*, as (*r*) *Probus* and (*s*) *Jocelin* the Writers of his Life do agree. And thoſe who have written of St. *German* have mention'd him as one of his Diſciples, as (*t*) *Erricus* of *Auxerre*. And (*u*) *William* of *Malmesbury* ſaith, *he was not only a Diſciple of St.* German, *but being made Biſhop by* Celeſtine, *he was ſent by St.* German *into* Ireland. And in the *Iriſh* Monaſteries there were *Schools* like thoſe of *Dubricius* and *Iltutus* for the breeding of Youth in Learning. For therein, as *Rouſe* an *Antiquary* in *Edward* IV. time ſaith, *The Maſters did teach*, Secundum formam Studiorum antiquorum, *according to the ancient Method of Learning*; Which our learned (*w*) Primate underſtands *of joining the Studies of humane Learning with divine*; of which he produces an Inſtance in a *MS.* of the Library of *Worceſter*; Being a Commentary of an *Iriſh* Biſhop upon *Martianus Capella*'s *Aſtrology* which he read to his Diſciples in the Monaſtery of St. *Remigius* in *Down*. And the Author of the *Opus Tripartitum* of the Life of St. *Patrick* ſaith, *That he ſet up at* Armagh *Summum ſtudium literale*. Which in the Language of that time is the ſame with an *Univerſity*, only this is a *Law-term*, and implies a *Legal Society* incorporated for

(*m*) Bonifac. *Epiſt.* 141.
(*n*) *Chron. Hirſ. A.D.* 890.
(*o*) *Capit. Anſeg. l.* 1. *c.* 17. *l.* 5. *c.* 95.
(*p*) Lup. *Epiſt.* 1.
(*q*) *Orig. Monaſt. l.* 2. *c.* 1
(*r*) Prob. *vit.* Patr. *apud* Bed. *To.* 3.
(*s*) Jocel. *vit.* Patr. *c.* 22.
(*t*) *Biblioth. MSS.* Labb *Tom.* 1. *p.* 537.
(*u*) *De Geſtis Pont. l.* 2 *p.* 145.
(*w*) *De Primord. p.* 90.

for the Profession of Learning, which the (x) Civilians tell us, *None but the Supreme Authority of a Nation can do.* In this School at *Armagh*, *Caradoc* of *Lancarvan* in his Life of *Gildas* saith, *That he was a Professor*, Studium regens & prædicans in Civitate *Ardmaca.* But the Anonymous Author of his Life published out of an ancient *MS.* by *Joh. à Bosco* (y) saith, *That* Gildas, *going over into* Ireland *in the time of* Ammeric, *i. e.* about *An. Dom.* 566. *found both Religion and Learning much decay'd there, and that he built many Churches and Monasteries, and brought up many Noble Mens Sons therein. In his younger days*, he saith, Gildas *went to* Iren, *and visited the Schools of many Learned Men, and enquired their Opinions in Philosophical and Divine matters.*

(x) Choppin. *de Doman. Franc. l. 3. tit. 27.* Limn. *Jus publ. l. 8. c. 10.*

(y) *Bibliorth. Flor. vit. Gild.*

id. c. 6.

Some question hath been made by Learned Men, what this Author means by *Iren*; The most easie and obvious sense is to take it for *Ireland*, where there were so many Schools of Learning in the Monasteries of St. *Patrick*'s Foundation; And *Iris* is used by (z) *Diodorus Siculus* for *Ireland:* And (a) *Ierne* in the Book *de Mundo*, and *Apuleius*; and the Inhabitants are called *Irenses* by (b) *Orderius Vitalis:* and the Country is called *Erin* by the Inhabitants, as Archbishop (c) *Usher* observes; But the marginal Note of *Joh. à Bosco* hath led some quite out of their way in seeking for this Place; Which is, *That* Iren *was an University then in* Great Britain; And from hence they have proceeded to prove our famous University of *Oxford* to be meant by it; (d) First, *Iren*, say they, *was mistaken for* Icen, *and that for* Ychen, *and* Ychen *for* Rydychen, *and* Rydychen *in the* British *Tongue signifies the same with* Vadum Boum, *and that is the same with* Oxford. I cannot think Learned Men write these things any otherwise than as *Sports of Wit*, which are intended for the *diversion*, and not for the *conviction* of the Readear. As likewise, when the same Authors produce out of *Constantius* his Life of St. *German*, *Regionis illius Universitas*, to prove the *Antiquity of their University.* But that Passage in the Copy of *Asserius*, printed by *Camden* is more material, viz. *That St.* German *staid half a year in* Oxford, *and approved the Orders made by* Gildas, Melkin, Nennius *and* Kentigern. I know what Heats have been about this Passage among very Learned Men. For my part, I see no cause to mistrust the sincerity of Archbishop *Parker* in the Edition of his very ancient Copy, where this Passage was not to be found; And I do not question *Camden*'s Fidelity in publishing *Asserius* out of some other Copy; But it had been fair to have given an Account whence he had it, and for what Reasons he inserted it in another Edition of *Asserius*; and why he preferred the *Savilian* Copy before the other. But I cannot but wonder that these Learned Men have taken no more notice of the Inconsistency of this Passage with the History of those times. For these Persons all lived a considerable time after St. *German*, as it were easie to prove, if it were worth the pains. For *Gildas* was not born till at least forty four years were past after St. *German*'s death: which thus appears; He saith he was born the year of the Victory of *Aurelius Ambrosius* over the *Saxons* at the *Mons Badonicus*, which was forty four years after they came hither, *An. Dom.* 449. And by comparing St. *German*'s Embassy to *Valentinian* at *Ravenna*, where he died, we shall find that St. *German* was dead the year before the *Saxons* arrival, *An. Dom.* 448. As the (e) *Samarthani* shew. But against this there is a considerable Objection from what (f) *Bede* saith, *That the* Saxons *and* Picts *joined together*

(z) Diod. Sic. *l.* 5.

(a) *De Mund. p.* 64. *ed.* Vulcanii.

(b) Ord. Vital. *l.* 10. *ad A. D.* 1098.

(c) *Hist. Gottecsh. c.* 9.

(d) *Antiq. Acad. Oxon. Apol. l.* 2. *n.* 84. *Hist. Acad. Oxon. l.* 1. *p.* 9, 10, 11.

(e) *Gall. Christian. To.* 2. *p.* 267.

(f) Bed. *l.* 1. *c.* 20.

ther after St. German's *coming, which occasion'd a Victory by singing* Alleluiah *according to St.* German's *direction*; and it is so much stronger, in that the very same Expressions are in *Constantius*. But this may be easily solved by those that consider the frequent Incursions the *Saxons* made on the *Britains* before they were sent for over, as appears by the *Comes Litoris* Saxonici *per* Britanniam, appointed to secure the Coasts from the *Saxons*; and that *Gildas* therefore wonders the *Britains* should send for the *Saxons, of whom they were so much afraid before*; And when the *Roman* forces were withdrawn, no doubt they did more boldly and frequently disturb them.

(g) Constant. *vit.* German. *l.* 2. *c. ult.* (h) Usser. *de Prim. p.* 382.

Besides, (g) *Constantius* saith in St. *German's* Life, *that he succeeded St.* Amator *in his See, and continued therein thirty years and twenty five days.* But St. *Amator* died *An. Dom.* 418. as our Learned (h) Primate hath proved, *because the Calends of* May *on which he died were that year, as* Constantius *saith, the fourth day of the Week*, which agrees to 418. If it be said, *That this Passage of* Asserius *is meant of an Elder* Gildas, *called* Gildas Albanius, *whose Life the same excellent Antiquary supposes to be written by* Caradoc *of* Lancarvan; I answer, that when he comes to fix the times in his *Chronological Index*, he doth overthrow his own Supposition: For *Caradoc*, by his own confession, makes *Gildas contemporary with King* Arthur, and he is said by him to be born *An. Dom.* 493. And therefore *Caradoc's Gildas* can be no elder than the *Gildas Badonicus*. Although therefore the want of skill may make *Caradoc* set his *Gildas* elder than he ought to have done; yet whosoever will compare that Life published by *Joh. à Bosco* with the other by *Caradoc*, will find that they were designed for the same Person. And therefore *Leland*, with far more judgment, mentions but one *Gildas*; but *Bale* and *Pits* make more; but it is their Vanity to multiply Authors as well as Books. St. *Kentigern* was baptized assoon as he was born, by *Seruanus*, one of the Disciples of *Palladius*, whose Mission had the same date with the first coming of St. *Germanus* and *Lupus*; And therefore it is not very probable that St. *German* should see the Orders of *Gildas* and *Kentigern*, much less those of *Melkin* and *Nennius*, whose Ages fall so far short of the others.

But although St. *German's* being at *Oxford* cannot be proved by such obscure and incoherent Passages as this; yet I doubt not but by the Evidence already produced, he did take care to advance Learning and Piety in the *British Churches* wheresoever he came: Both which were falling very much to decay upon the irruption of the barbarous Nations. While the *Roman* Empire flourished there was care taken for the encouragement of Learning, especially in greater Cities. At *Rome* by the Constitution of *Valentinian* we may see the Orders then made for the Regulation of Students there; as for entring their Names who came thither out of the several Provinces by the *Magister Census*, with the *Testimonials* from the Governours of *Provinces*, of the Place of their Birth and Quality, who then were to declare what *Studies* they designed to follow, and an account was to be given of their Lodgings: And particular Officers were appointed called *Censuales* to make an Inspection into their Lives, that they did avoid all Clubs called there *Consociations*, or frequent appearing at the *Sports*, or affecting unseasonable and publick Entertainments. If any were found faulty, they were to be chastised, and sent away home, but none were permitted to stay after twenty at *Rome*, and an account of these things was to

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be taken monthly, and given in to the *Præfectus Urbis*, and return'd to the Emperor every year; as appears by the (*i*) *Constitution* it self in the *Theodosian Code*. By which we find, That *Rome*, it self was then the chief *University* of the *Empire*, to which *Students* resorted from all the *Provinces*, and the Emperor thought it not below his Cognizance to have notice sent him of the Numbers, Qualities and Behaviours of the *Students*; But lest the Splendor and Vanities of *Rome* should tempt them to forsake the Service of their Country, they were not permitted to stay there after twenty years of Age; For then, not having the Difficulties of the Language to conquer which they were used to while Children, at fifteen they were thought fit to be instructed in other Studies, and five or six years was all the time this Law allow'd them to prosecute them under the Masters at *Rome*. Where, besides an infinite number of private Teachers in that vast City, there were publick *Professors* appointed, who had their *Schools* within the *Area* of the *Capitol*, which were called *Auditoria publica*, as we may reasonably infer from the (*k*) *Constitution* of *Theodosius*; where the *Exedræ* of the *Portico*'s of the *Capitol* at *Constantinople* are appointed to make *Auditoria* for the *publick Professors* there: And *Constantinople* follow'd the Pattern at *Rome*. These *Exedræ* were, as (*l*) *Vitruvius* describes them, Places of *Capacity* within the *Portico*'s, with Seats round, in which the *Rhetoricians*, and others, were wont to discourse; Or, according to (*m*) *Cicero*, they were *Cellæ ad colloquendum aut meridiandum*, such as *Crassus* had at *Tusculum*, and *Cotta* at *Rome*, where those great Men were wont to sit for their diversion and discourse with each other: And the *Greek Glossary* renders *Exedra*, a *School*; such a one (*n*) *Strabo* describes in the *Musæum* at *Alexandria*, which consisted of a *Walk*, an *Exedra*, and a great House where the Learned Men did all live and eat together upon a publick Allowance, under the Government of a Person appointed by their Kings, and after by the *Cæsars*. This *Musæum* was adjoining to the Palace, and near it was the famous Library of *Ptolemy Philadelphus*: For that was *in Bruchio*, as (*o*) *Epiphanius* saith, and was distinct from the other *Library* afterwards *in Serapeo* mentioned by (*p*) *Ammianus Marcellinus*. This *Bruchion* was a Region of the City, as *Epiphanius* saith; And some will have its Name from the Πυρυχεῖον, the *Granary* of *Alexandria* being there, and by contraction it was called Πρυχεῖον. So the *MS.* of (*q*) *Eusebius* mention'd by *Valesius* hath it. But (*r*) *Salmasius* would have the name taken *from the Stores laid in there for the College of Learned Men in the* Musæum, which *Ammianus Marcellinus* calls *Præstantium hominum domicilium*; And this Πυρυχεῖον, he saith, is the same with Πρυτανεῖον, and *Eustathius* saith, *The one signified the same at* Alexandria, *which the other did at* Athens; And, he observes, that it was accounted a great favour in the Emperors to grant any Learned Man τὴν ἐν Μουσείῳ οἴκησιν, *i. e. a Fellowship in the College*. So (*s*) *Athenæus* mentions it as the kindness of *Hadrian* to *Pancrates* the Poet, for flattering *Antinous*; *That he gave him a Right of Commons in the* Musæum: As he did likewise to *Dionysius* the Sophist, and *Polemon*, and *Nicetas Smyrnæus*, as *Philostratus* in their Lives relates. *Aristonicus* wrote the History of the *Musæum* at *Alexandria*, and of the Philosophers and Learned Men who flourished in it, and the manner of their living there; Out of whom (*t*) *Photius* saith that *Sopater* borrow'd part of the twelfth Book of his *Miscellanies*. But this Book being lost, as likewise those of *Callimachus* and *Alcidamas*, no

(*i*) C. Theod. *l.* 14. *tit.* 9. *L.* 1. *A. D.* 370.

(*k*) C. Theod. *l.* 15. *tit.* 1. *l.* 53.

(*l*) Vitruv. *Antiq. l.* 5. *c.* 2.

(*m*) *De Orator. l.* 3.

(*n*) *Geogr. l.* 17.

(*o*) Epiph. *de Ponder.*

(*q*) Am. Marcell. *l.* 22. *c.* 15.

(*q*) Euseb. *l.* 7. *c.* 32.

(*r*) Salmas. *in* Spartian. *p.* 52.

(*s*) Athen. *l.* 15.

(*t*) *Cod.* 161.

particular account can be given of the Hiſtory of it. Only in general we know, that the moſt Learned Perſons in their ſeveral Profeſſions were invited thither, and had there all the Encouragements which Freedom from Care, good Air, (for the *Muſæum* was celebrated for that by *Strabo*) ſutable Society and an excellent Library could give them; the Keepers whereof were men of the greateſt Reputation, as *Demetrius Phalereus*, *Zenodotus Epheſius*, *Eratoſthenes*, *Apollonius*, *Ariſtonymus*, *Chæremon*, *Dionyſius*, &c. In this *Muſæum* it was that (*u*) *Hadrian* propoſed Queſtions to the Profeſſors; and in it were Ἀγῶνες inſtituted, or Sports, by *Philadelphus* to *Apollo and the Muſes*, after the finiſhing his *Library*, and Rewards given to thoſe that overcame in the Opinions of the *five Judges* appointed for that purpoſe. From hence came the *Commiſſiones* and *Agones Sacri* among the *Romans*, at which Judges were appointed; Among whom (*w*) *Horace* mentions *Metius Tarpa* for one. Theſe were ſometimes performed in the *Capitol*, as (*x*) *Rycquius* obſerves, *i. e.* in the *Portico*'s where the *Exedræ* were like thoſe at *Conſtantinople*. What the Number of publick Profeſſors was at *Alexandria* and *Rome* is not certainly known, but at *Conſtantinople* their Number is determin'd by a (*y*) *Conſtitution* of *Theodoſius*. In the *Publick Schools* called there *Auditorium Capitolii* and *Auditorium noſtrum*, there were to be for the Latine Tongue *three Orators, and ten Grammarians*; For the Greek *five Sophiſts, and ten Grammarians*; *One Profeſſor of Philoſophy and two of Law*. Theſe had had their diſtinct *Schools* allotted them called *Publicæ Magiſtrationes* and *Cellæ* in the *Law*; And all others were forbidden to teach in publick, either within the *Capitol*, or elſewhere, upon pain of Infamy for the Fact, and Baniſhment out of the City. The Emperor *Valens*, by another Conſtitution, appointed for the Publick Library at *Conſtantinople ſeven Antiquaries to look after the Books, four Greek and three Latine, who were to have a publick allowance*; So that there was a *Bibliotheca Palatina* there as well as at *Rome*, and both in probability were near the *Capitol*, where the *Profeſſors* taught; For that at *Rome* was called *Bibliotheca Capitolina*, concerning which *Joh.* (*z*) *Sariſburienſis* ſaith, *It was reported that* Gregory *the great cauſed it to be deſtroyed, out of a fear, that Heathen Learning ſhould abate Mens Love to the Scriptures*; which was a very fooliſh and ſuperſtitious fear. For Men know better how to value the Scriptures by it. And he did ill then to fetch the Soul of *Trajan* out of *Purgatory* (but I hope one Story is no truer than the other) for he founded the *Bibliotheca Ulpia*, which was next to the *Palatina*; and *Victor* ſaith, *There were twenty ſeven more publick Libraries in* Rome. If this Story be true, *Gregory* rather follow'd the Steps of *Julian* than of *Conſtantine*; for the one envied Learning to the Chriſtians as much as the other promoted it, *Victor*'s Epitome ſaith of *Conſtantine*, that he did, *Nutrire artes bonas, præcipuè ſtudia Literarum*; And his (*a*) *Conſtitutions* ſtill extant do ſhew the great kindneſs he had for Learning and Learned Men; granting great Privileges and publick Salaries to the Profeſſors of Learning in the ſeveral Cities of the Empire. But *Julian*, finding that Chriſtianity did ſpread by the Learning of the Chriſtians, he firſt *drew the choice of publick Profeſſors to himſelf*, by making his *Approbation* neceſſary after the *Judicium Ordinis* and *Decretum Curialium*, and ſo excluded the Chriſtians. Afterwards (*b*) he expreſly declared, *He would endure none to interpret Heathen Authors, who argued againſt their Religion:* But no *Conſtitution* appears in the *Code* beſides the

(*u*) Spartian. *in* Hadrian.

(*w*) Horat. *de Arte Poet. & in Satyr.*

(*x*) *De Capitol. c.* 35.

(*y*) C. Theod. *l.* 14. *tit.* 9. *l.* 3. *l.* 2.

l. 2.

(*z*) *Polycrat. l.* 8. *c.* 19.

(*a*) C. Theod. 13. *tit.* 3. *LL.* 1, 2, 3.

Ib. L. 5.

(*b*) Julian. *Ep.* 42.

the former tending that Way. Upon this *Proæresius*, saith (*c*) St. *Jerome*, *left the Chair at* Athens, although he had a particular Indulgence by *Julian*. And (*d*) *Orosius* adds, *That the Christian Professors of Learning almost universally forsook their Places*: But both mention an expres's Edict of *Julian*'s to that purpose. Some Writers speak of another Edict *forbidding Christian Children to learn*; But I can find no Edict to that purpose. And it seems to me to have been only a Consequence of the former; Since Christian Parents would not send their Children to be taught by Heathens, having seen the sad effect of it in the *Apostacy* of *Julian*, under his Heathen Tutors, *Mardonius*, *Maximus* and *Jamblichus*.

(*c*) Hier. *Chron.*

(*d*) Oros. *l.* 7. *c.* 30.

But by this Edict we find how universally Learning was then diffused through the *Provinces* of the *Roman* Empire, which was in a great measure due to *Antoninus Pius*, of whom (*e*) *Jul. Capitolinus* saith, *That he appointed Honours and Pensions to Rhetoricians and Philosophers through all the Provinces*; which were confirmed and inlarged by the several Edicts of *Constantine* to that purpose, already mention'd. And (*f*) *Fr. Baldwin* takes particular notice of his Zeal to promote Learning. In *Gaul* (*g*) St. *Jerome* mentions the *Florentissima Studia Galliarum*; And *Constantius*, in the Life of St. *German*, the *Auditoria Galliarum*; after which, he saith, he went to *Rome* as the chief *University*, especially for *Law*; thence (*h*) *Sidonius Apollinaris* calls it *Domicilium Legum*, and St. (*i*) *Augustine* saith, *he went thither to study the Laws*. But other Professions flourished elsewhere; as at *Carthage*, (*k*) *Salvian* saith, *There were Professors of all Arts and Sciences*: And at *Sicca Veneria* in *Africa*, *Arnobius* was Professor of *Rhetorick*. Near *Lyons* in *Gaul* the 60 Cities had dedicated an Altar to *Augustus*, where the *Rhosne* and the *Arar* meet, there *Caius Caligula* appointed Prizes to be plaid both in *Greek* and *Latine Eloquence*; And not that only, but *Philosophy* was there taught; Thence (*l*) *Odilo*, Abbat of *Clugny*, about *Anno Dom.* 1020. calls *Lyons* of old *the Mother and Nurse of Philosophy*. In the time of *Diocletian* and *Maximianus*, the Nobility of *Gaul* were brought up to Learning at *Augustodunum* (*Autun*,) and there *Eumenius* was both *Rector* and *Professor*, as appears by his Speech to *Constantius*, where (*m*) he celebrates so much the *Scholæ Mœnianæ*, *Quondam pulcherrimo opere & studiorum frequentiâ celebres*; which having suffer'd very much in the Rebellion of the *Bagaudæ* under the latter *Claudius*; he was extremely concerned to have them rebuilt, which is the design of his excellent *Oration*. But long before, in *Tiberius* his time, (*n*) *Tacitus* saith, *The Sons of the Nobility did there*, Liberalibus studijs operari, *improve themselves in Learning*. (*o*) *Eusebius* mentions in the time of *Nero*, *Statius Ursulus* of *Tholouse*, a famous Professor of *Rhetorick*. And (*p*) *Ausonius* reckons up many of those who had been famous there and at *Bourdeaux*, and other Places. But to spare our pains in particular Places, there is extant in the *Theodosian Code* an (*q*) Edict of *Gratian*, *requiring all the chief Cities of these Parts of the* Roman *Empire to settle and maintain in them Professors of Learning, both of the Greek and Roman Languages*. This Edict was directed to the *Præfectus Prætorio Galliarum*, and was commanded to be observed through all his *Diocese*, which *Gothofred* restrains to *the Provinces of Gaul*, excluding *Britain*, for which I see no reason; Since (*r*) *Ausonius* who was himself in that Office in *Gratian*'s time, comprehends the *Britains* under his *Jurisdiction*. And the *Notitia Imperii* places the *Provinces* of *Britain* under him

(*e*) *Vit.* Anton. Pii.

(*f*) *De Legibus* Constant. *l.* 2. *p.* 142.

(*g*) *Ad* Rustic.

(*h*) Sidon. *Ep.* 6. *l.* 1.

(*i*) *Confess. l.* 6. *c.* 8.

(*k*) *De Gubern. Dei*, *l.* 7.

(*l*) *Vit.* Maioli, *Vit.* Adelh.

(*m*) *Orat. pro restaur. Schol. n.* 3.

(*n*) *Annal.* 3. *c.* 43.

(*o*) *In Chronic.*

(*p*) *In Profess.*

(*q*) *C. Theod.* 13. *tit.* 3. *l.* 11.

(*r*) *In Mosell. v.* 407.

him after *Gratian*'s time. Which *Notitia* he thinks was made about *Anno Dom.* 426. By virtue of which Edict we are to search for the ancient *Schools* of Learning among the *Britains*, in the *chief Cities* of the *Provinces* at that time; especially at *London*, which was the *Caput Gentis*, being *Augusta*, or the *Imperial City*, and so at *York* and *Caerleon*. So that the *British Churches*, as long as the *Roman Power* continued here, had the same advantages for Learning which they had in other *Provinces*; But when the *Roman Forces* were withdrawn, and nothing but Miseries and Desolation follow'd; then St. *German*'s Care proved a most seasonable Relief to them in providing such Schools as those of *Dubricius* and *Iltutus*, for the breeding up of Persons qualified for the Service of the Church; as far as the Miseries of those times would permit.

The last thing to be considered is, The *publick Service* of the *British Churches*. And in an ancient *MS.* in the *Cotton Library*, about the *Original* of *Divine Offices*, *Germanus* and *Lupus* are said *to have brought into the use of the* British *Churches*, Ordinem Cursûs *Gallorum*. By which (*s*) Archbishop *Usher* understands the *Gallican Liturgy*. For *Cursus* in the Ecclesiastical use of the Word is the same with *Officium Divinum*, as *Dominicus Macer*, in his late *Hierolexicon* shews; thence *Cursum celebrare*, is, *to perform Divine Offices*; And so the Word *Cursus* is often used in (*t*) *Fortunatus* his Life of St. *German*, Bishop of *Paris*, and in our (*u*) *Saxon Writers*: But this *Cursus Gallorum* is there distinguished from the *Cursus Orientalis*, and the *Cursus Ambrosii*, and the *Cursus Benedicti* (which little differs, he saith, from the *Cursus Romanus*.) And this was that which *Germanus* and *Lupus* had learnt in the Monastery of *Lerins*, where it was used by *Cassianus* and *Honoratus*, as the Author of that Book affirms, which I find to have been the same which (*w*) Sir *H. Spelman* commends for its great *Antiquity*. And that Author derives the *Gallican Liturgy* from St. *John* by *Polycarp* and *Irenæus*; Which *MS. Mabillon* was inclined to think to have been the Book which *Gregorius Turonensis* wrote *de Cursibus Ecclesiasticis*, but for the quoting the (*x*) Life of *Columbanus* and *Attala*, which was not written till after his Death.

(*s*) *De Primord. p.* 343.

(*t*) *Apud* Sur. 28. *Maii.*

(*u*) Bed. *l.* 4. *c.* 18. *Concil. Cal. c.* 7. *Asser. vit.* Alfr.

(*w*) *Concil. Brit. To* 1. *p.* 167.

(*x*) Mabillon. *Annal.* 1. *p.* 9.

This will oblige us to enquire, what the *Gallican Liturgy* at this time was, and how far different from the *Roman*. It is agreed on all hands, that there was a material difference between them, but wherein it lay is not so easily understood. When *Gregory* sent *Augustine* the *Monk* into *England*, to settle the *Saxon Churches*, and he was consecrated by the Archbishop of *Arles*, one of the Questions, (*y*) *Augustine* proposed, was, *since there was such difference between the Offices of the* Roman *and* Gallican *Churches, which he should follow? Gregory* answered, *That he should chuse what he thought most proper for the* English *Church*. Which implies, That there was a diversity still between them; And that the Pope did not oblige him to follow the Example of the *Roman Church*; chiefly, I suppose, Because the Queen, being a Christian before, and using the *Gallican Liturgy* in the *Publick Service*, and her Bishop being of the *Gallican Church*, it would have given great Offence to them to have had it taken away; as likewise to all the *British Churches* which had been accustomed to it. If the Books of *Musæus* mention'd by (*z*) *Gennadius* were extant, we should easily understand wherein the difference lay. For, he being a *Presbyter* of the Church of *Marseilles*, and a Man learned in the Scriptures, was desired

(*y*) Bed. *l.* 1. *c.* 27.

(*z*) Gennad. *de Scriptor. c.* 79.

by

by *Venerius*, the Bishop there, *to draw up a Form of Publick Service, consisting of two Parts*, viz. *The Morning Service, and the Communion Service.* The first he finished in the time of *Venerius*, and is highly commended by *Gennadius for its Order, Usefulness and Decency.* The second, in the time of *Eustathius* his Successor, which he likewise commends for *its great weight and exactness.* And there was great Reason at that time, to bring the *Church-Service* into *Order*, because *Cassian* and others endeavour'd to introduce the *Monastick Customs* which he had observed in *Egypt* and elsewhere, as appears by the design of his *Monastick Institutions*, especially the second and third Books, which he dedicated to *Castor*, Bishop of *Apta Julia*, at the same time that *Venerius* was Bishop of *Marseilles*, where *Cassian* lived. This *Musæus* was therefore employ'd to draw up the most convenient *Order* for the *Publick Service*, from whence we may be able to judge of the Difference in both Parts between the *Gallican* and *Roman Offices.*

I begin with the *first*, viz. the *Morning Service*, which consisted of *Lessons*, *Hymns* and *Psalms*, agreeable to the *Lessons*, and short *Collects* after them.

In the *Church* of *Rome*, for a long time, *viz.* for above 400 Years, they had nothing before *the Sacrifice*, as the old *Ritualists* agree, besides the *Epistle* and *Gospel*; then *Celestine* appointed the *Psalms* to be used; or as (*a*) *Walafr. Strabo* and *Micrologus* say, caused *Antiphonæ* to be made out of them and sung. The *Epistle* was constantly taken out of St. *Paul*, as *Walafr. Strabo* proves out of the *Pontifical Book*; *in process of time*, he saith, *other Lessons were taken out of the Old and New Testament, agreeably to the time*; Which might be borrow'd from the *Gallican Church*; as other Inlargements of their *Offices* by the *Ritualists* Confession were, and in probability the Distribution of the *Lessons* was first begun by *Musæus*, which we have digested according to the *Roman* Custom in the *Lectionarius*, published by *Pamelius*, by some attributed to St. *Jerome.* After the *Lessons* follow'd the *Responsoria*, or *Proper Hymns*, for so (*b*) *Isidore* saith, *they were called, because, one singing, the whole Choire did answer*; and (*c*) *Rhabanus Maurus* calls such an *Anthem*, *Responsorius Cantus*; and these differ'd from the *Antiphonæ*, because in them the whole Choire sung each Verse *alternatim*: But (*d*) *Rupertus* thinks, *they had their Name because they answered to the Lessons, being sung immediately after them*; for *the refreshment of the Hearer's Mind*, saith (*e*) *Amalarius.* But, besides the *Lessons* and *Hymns*, he methodiz'd the *Psalms*, so as to be read agreeably to the *times* and the *Lessons*; and not in the Order wherein they stand; which seems to have been peculiar to the *Gallican Church.* The most ancient Custom of the *Church*, as (*f*) *Menardus* proves from *Justin Martyr*, and others, was *to begin the publick Service with the Lessons.* And (*g*) St. *Ambrose*, in one Place, seems to mention no more in his Church at *Milan* besides the *Lessons* and the *Sermon*, before his expounding the *Creed* to the *Competentes*; But in the same *Epistle* he speaks of the *Psalms* that were read in the *Morning Service*: And (*h*) elsewhere *of the People's answering to the Psalms*; and it is generally said by the ancient *Ritualists*, that *St.* Ambrose *brought into the use of the Western Church the Custom of Singing the Psalms Verse by Verse in turns by both sides of the Choire*; so (*i*) *Isidore*, (*k*) *Rhabanus*, (*l*) *Walafridus Strabo*, and (*m*) *Radulphus Tungrensis*: And so *Paulinus* in his

(*a*) Walafr. c. 22. Microl. c. 1.

(*b*) De Eccl. Officiis, l. 1. c. 8.

(*c*) De Instit. Cleric. l. 1. c. 32.

(*d*) De Officiis, l. 1. c. 15.

(*e*) Amal. l. 4. c. 3.

(*f*) In Sacram. Gregor. p. 4.

(*g*) Ambr. Ep. 35. l. 5.

(*h*) In Hexaem. l. 3. c. 5.

(*i*) De Offic. l. 1. c. 7.

(*k*) Rab. l. 2. c. 50.

(*l*) Wal. c. 25.

(*m*) Rad. c. 12.

Life

Life ſaith, *he brought up the Uſe of* Antiphonæ, *in the Weſtern Church.* (n) Sigeb. Ch. A. D. 387. And (*n*) *Sigebert* adds, *that he took it from the Greeks.* And (*o*) St. *Auguſtine* ſets down the occaſion of it, *viz. When the People at* Milan (o) Confeſſ. l. 9. c. 6, 7 *were perſecuted by the* Arians, *and reſolved to abide in the Church. And therefore to keep them well employ'd he thought upon this Cuſtom of the Eaſtern Churches*; Which not only continued there, but from thence ſpread (p) Retract. l. 2. c. 11. into other Churches, not without oppoſition in ſome Places; as (*p*) St. *Auguſtine* confeſſes, *it met with ſome at* Carthage; But withal he ſaith, *he wrote in Vindication of it.* In the *Eaſtern Church* it was of ancient (q) Socr. l. 4. c. 8. uſe, if (*q*) *Socrates* ſay true; for he ſaith, *it begun upon a Divine Viſion to* Ignatius, *at the Church of* Antioch. But (*r*) *Theodoret* ſaith, *Flavianus* and *Diodorus* brought it up there; But the Words of *Theodorus* (r) Theod. l. 2. c 8. (s) Nicet. Theſ. l. 5. c. 30. *Mopſueſtenus* in (*s*) *Nicetas* ſeem to intimate, *that they took this Cuſtom from the* Syriack *Churches*; However *Theodoret* attributes the beginning of *Singing the Pſalms of* David *in that manner in the* Greek *Churches* to them; From whence he ſaith *it ſpread into other Parts.* But we find (t) Baſil. Ep. 63. by (*t*) St. *Baſil*, *it was very hardly received in the Church of* Neocæſarea, *becauſe it was not introduced by* Gregory, *who firſt ſettled the Church there. Neither*, ſaith he, were the *Litanies*, *which they then uſed, brought in by him:* And for that Cuſtom of Singing, he ſaith, *it was practiſed in the Churches of* Egypt, Palæſtine *and* Syria, *as far as* Euphrates. But it came (u) Rer. Liturg. l. 2. c. 4. later into the Weſtern Church. (*u*) *Card. Bona* ſaith, *That* Damaſus *firſt commanded it to be uſed in all Churches by his Apoſtolical Authority*; (w) A. D. 384. n. 20. But (*w*) *Card. Baronius* ſaith, *It is a plain Falſhood which the Pontifical Book affirms of* Damaſus *his appointing the Pſalms to be ſung in all Churches*, and he adds, *that the Epiſtles of St.* Hierome *and* Damaſus *about it are* (x) Pamel. Lit. To. 1. p. 258. *counterfeit.* Yet thoſe are the Authorities which, as appears by (*x*) *Pamelius*, the ancient *Ritualiſts* rely upon. All that *Baronius* will allow to be done in the time of *Damaſus*, was, that *St.* Jerome's *Pſalter* (y) Gavant. in Brev. Sect. 5. c. 8 n. 3. *was then introduced at* Rome. And yet we are told, (*y*) that to this day, *the old Tranſlation of the Pſalter is uſed in St.* Peter's, and is called, *Pſalterium Romanum* in the *Rule* of St. *Francis*, which he forbids to be uſed in Divine Service; But the ſame is only uſed in the *Ambroſian Office.* And (z) Rer. Liturg. l. 2. c. 3. §. 4. (*z*) *Card. Bona* obſerves, that St. *Gregory compoſed the* Antiphonæ *at the* Introitus, *and at the* Reſponſoria, *&c.* out of the *old Verſion*, before St. *Jerome*'s time; Of which he gives this reaſon, *That the People at* Rome *were ſo accuſtomed to it, that they would not learn the* (a) l. 1. c. 12. *New Teſtament of St.* Jerome; And the ſame Author (*a*) obſerves likewiſe, *That the old* Italick *Verſion was not only uſed in* Rome, *but in all the Suburbicary Churches, and other Churches*, Gaul *only excepted.* And from thence St. *Jerome*'s *Tranſlation* was called *Verſio Gallicana*, becauſe it was immediately received into the uſe of the *Gallican Churches.* So that I ſee not how *Baronius* can make good his own Aſſertion, *That St.* Jerome's *Tranſlation of the Pſalter was introduced by* Damaſus. But the (c) Regiſt. l. 7. Ep. 63. uſe of *Alleluja* by St. *Jerome*'s means, as (*b*) St. *Gregory* ſaith, *was brought from the Church of* Jeruſalem. Which *Baronius* thinks *is rather to be underſtood of ſome particular manner of uſing it.* But how he can juſtifie the ancient uſe of the Singing Pſalms at *Rome*, either before or after *Damaſus* his time till *Celeſtine* was Pope, I cannot imagine, if the *Pontifical Book* ſay true, for that expreſly affirms, *that* Celeſtine *appointed* David's *Pſalms to be ſung* Antiphonatim *before the Sacrifice, and that it was not done before, but only the Epiſtles of St.* Paul *and the holy Goſpel were read.* Which Words are repeated by *Alcuinus*, *Amalarius*, *Rhabanus Maurus*,

Maurus, *Walafridus Strabo*, *Berno Augiensis*, and several other Ritualists and Historians, as may be seen in (c) *Pamelius* his Collection, and (d) *Cassander*'s, besides the Authors themselves; But (e) *Baronius* saith, *the use of the Singing the Psalms was from the beginning in the* Roman *Church*; which we are to take upon his Word, for he brings no proof of it. It is true, that (f) St. *Augustine* saith, *That we have the Precept and Example of* Christ *and his Apostles, for singing in our Assemblies.* But he speaks not of *David*'s *Psalms*, nor of the *Church of Rome.* And he saith, *The Customs of Churches were very different about this matter. In the Churches of Africa*, he saith, *They confined themselves to the Prophetical Hymns*, for which they were upbraided by the *Donatists*, as too grave and formal; But he allows *Singing* to be one of the *Solemn Parts* of *Divine Service*, with which he joins *Reading the Lessons, Preaching and Prayer*; *either aloud by the Bishop, or in common, by the Deacon's giving notice.* (g) *Justin Martyr* mentions the *Hymns of the Church*, without declaring whether they were composed or inspired; And so do (h) *Pliny* and *i*) *Tertullian* in some Places. But in his (k) Apology he saith, *both were used.* (l) *Eusebius* mentions *the Hymns composed by Christians which proved the Divinity of Christ*; And (m) the great esteem the *Hymns of Nepos* were in; and (n) *the complaint against* Paulus Samosatenus *for laying aside the Hymns made to the Honour of Christ.* The Council of (o) *Leodicea first restrained the use of private Hymns in the Churches Service*, the *Greek Canonists* understand this Canon of *Apocryphal Psalms*, such as *Salomon*'s *Psalter* published by *La Cerda* out of the *Auspurg MS.* which he highly magnifies, and almost believes to be genuine; But if this Canon be extended to all humane Compositions; it was never received in the Western Church, wherein the Hymns of St. *Hilary*, St. *Ambrose*, *Prudentius*, and others have been generally used. And the *Ambrosian Hymns* were received into the *Service* of the *Gallican Church*, as appears by the second Council at (p) *Tours*; And *q*. *Cassander* observes, *that not only those made by St.* Ambrose, *but others in imitation of him, were called by his name*; Which (r) *Walafridus Strabo* confirms; But among those the *Te Deum* is not reckon'd by *Cassander*, neither is it of the *Ambrosian Composition, for those Hymns ended their Sentence every fourth Verse*, as he observes, *Te Deum* is commonly said to have been made by St. *Ambrose*, and St. *Augustine*, at his Baptism, and to prove it, the Ritualists quote the *Chronicle* of *Datius*, Bishop of *Milan.* But *s*) *Gavantus* observes, *that the Learned Men of* Milan *deny that there is any such thing as a Chronicle of* Datius *among them.* (t) *Mabillon* sent to them to enquire particularly about it, and they return'd Answer, *That they had no such thing, But that there was such a Title put upon a Book written by other Authors.* In an old Collection of *Hymns*, and an old Latine and French Psalter mention'd by (u) Archbishop *Usher* this *Hymn* is attributed to St. *Nicetius.* And there were two of that name in the *Gallican Church*; The former of which, might probably be the Author of it. The one was Bishop of *Triers*, and subscribed to the Council of *Auvergn*, *An. Dom.* 535. highly commended for his Eloquence and Sanctity by (w) *Gregorius Turonensis*, (x) *Fortunatus* and others; And the other of great fame too and Bishop of *Lyons*, who subscribed to the Council there *An. Dom.* 567. But against this latter there is a strong Objection from the mention of this *Hymn* in the *Rule* of St. *Benedict*, c. 11. who died, according to *Baronius*, *Anno Dom.* 543. It is likewise mention'd in the *Rule* of (y)

(c) *Liturg. To.* 1. *p.* 554.
(d) *Liturg. c.* 18. 21.
(e) Bar. *A. D.* 60. *n.* 33.
(f) Aug. *Epist.* 119. *c.* 18.
(g) *Apolog p.* 60.
(h) *Epist. l.* 10. *ep.* 97.
(i) Tertull. *de Virg. Velar. c.* 17. *ad Uxor. l.* 2. *c.* 8.
(k) *Apolg. c.* 39.
(l) Euseb. *l.* 5. *c.* 28.
(m) *l.* 7. *c.* 24.
(n) *l.* 7. *c.* 30.
(o) *Laod. Con c.* 59.
(p) *Concil. Turon.* 2. *c.* 23.
(q) Cass. *Præf. ad Hymn. Eccl.*
(r) Walafr. *c.* 25.
(s) Gav. *in Bre.* §. 8. *c.* 19.
(t) *Analect. Vol.* 1. *p.* 5.
(u) Usser. *de Sym. p.* 3.
(w) Greg. *l.* 10. *c.* 29.
(x) Fort. *l.* 3. *car.* 9.
(y) *Cod. Regul. Part.* 2. *p.* 93.

Cæsarius, drawn up by *Tetradius*, c. 21. who died about the same time; And in the *Rule* of (z) *Aurelianus*, who was present in the Council of *Lyons An. Dom.* 549. in the time of *Sacerdos*, Predecessor to *Nicetius*. But I see no reason against the former *Nicetius*, since (a) *Menardus* confidently affirms *there is no mention of this Hymn in any Writers before.* And therefore we may look on this Hymn, as owing its Original to the *Gallican Church.*

(z) *Ib. p.* 112.

(a) *Not. in Sacr* Greg. *p.* 351.

Besides, (b) *Cassian* takes notice *that in the* Gallican *Churches*, Gloria Patri, *&c. was said by the People at the end of every Psalm.* But *Walafridus Strabo* observes, *That at* Rome *they used it rarely at the end of the Psalms; but more frequently after the* Responsoria. From hence the three Cardinals, (c) *Bellarmine*, (d) *Baronius* and (e) *Bona* all conclude *those Ritualists mistaken who make* Damasus *the Author of adding the* Gloria Patri, *&c. to the end of every Psalm: And that the Epistle under the name of St.* Jerome *to him about it is notoriously false*, and withall they say, *that the other Ritualists are mistaken who attribute it to the Council of* Nice; Because then there would not have been such difference in the use of it in several Churches. In the *Æthiopick Eucharistical Office* of the 318 *Fathers* at the Council of *Nice*, bestow'd on me by my worthy Friend, Doctor *Castle*, this *Hymn* it self is not used; But the Office consists chiefly of a Lofty and Divine Paraphrase upon it. In the *Liturgy* of *Dioscorus* it is used in the middle of the Prayers. It is evident from (f) St. *Basil*'s Discourse concerning it, that the *Hymn* it self was of ancient use in the *Eastern Church*; but he doth not say in what part of the Churches Service it was used; But (g) *Cassian* saith, *over all the East, it was used only to conclude the* Antiphona. By which he understands a *Hymn* between the *Psalms*; *Walafridus Strabo* observes great diversity in the use of it in the *Western Churches*; *Some put it*, he saith, *into all Offices*; *Some at the end of every Psalm*; *Some at every breaking off the longer Psalms*; *Some after the* Responsals; But the use in general was universally approved, only the *Greeks* found fault with the *Latines* for putting in the middle, *Sicut erat in principio*, but the use thereof was required in all the *Gallican Churches* in the time of (h) *Cæsarius*, Archbishop of *Arles* (as (i) Uniformity was required by other Councils.) *Cardinal Bona*, following *Baronius*, makes that Council much elder which required the use of this *Hymn*, and soon after the Council of *Nice*; But that cannot be, if the Subscriptions in *Sirmondus* be true; and he observes that mistake in *Baronius* to have risen from misunderstanding a Passage of *Ado Viennensis*. So that the *Morning Service* of the *Gallican Churches* consisted chiefly in *Lessons*, *Hymns* and *Psalms* of *St.* Jerome's *Translation*, with *Gloria Patri* at the end of every *Psalm*. The Latine Tongue being yet the common Language of the *Roman* Provinces.

(b) Cass. *Justif. Monach. l.* 2. *c.* 8.

(c) Bellar. *de Miss. l.* 2. *c.* 16.

(d) Bar. *A D.* 325. *n.* 175.

(e) Bon. *de Psalmod. c.* 16. *n.* 6.

(f) *Ad* Amphil. *c.* 7. *c.* 27.

(g) Cassin. *l.* 2. *c.* 28.

(h) *Concil. Vas. c.* 2. *c.* 5.

(i) *Concil. Agath c.* 30. *Venet. c.* 15. *Epaon. c.* 17. *Gerund. c.* 1. *Brac.* 2. *c.* 12. *Toled.* 4. *c.* 2.

But are we to suppose, that they met together for the Worship of God without any Prayers? I answer; that they had then two sorts of *Prayers* in their Assemblies.

(1.) Private *Prayers* of each particular *Person* by himself.

(2.) A concluding *Collect*, which was the *Common Prayer*, wherein they all joined.

(1.) That they had such *private Prayers* in their *Assemblies* I prove from (k) *Cassian*, who reproves the Custom of some in the *Gallican Churches, who fell to their private Devotions on their Knees, before the Psalm was well ended. But*, he saith, *the* Egyptian *Monks used to spend*

(k) *De Instit. Mon. l.* 2. *c.* 7.

spend some time in the Prayer to themselves standing, and then fall down for a short space in a way of Adoration, and presently rise up again, continuing their Devotions standing. All which is capable of no other sense; but that between the *Psalms* a time was allow'd in the *Gallican Churches* as well as *Egyptian Monasteries*, for private Devotions in the publick Assemblies. (*l*) *Gregor. Turonensis* saith, *That in the* Gallican *Churches the Deacon did Silentium indicere*; and the Priest did it by the (*m*) *Mozarabick Liturgy*, which *Eugenius Roblesius* understands only of *making the People attentive*; Which I grant was part of the Deacon's Office and Design in *commanding Silence*, as appears by several passages in the ancient *Liturgies* both *Greek* and *Latin*. But there was a farther meaning in it, and that the People were for a time there to attend to their own *private Prayers*, appears not improbable to me on these Considerations. (1.) *Gregory Turonensis* saith, in the Place before mentioned, *That the King took that time to speak to the People, who immediately break forth into a Prayer for the King*; Not that any *Collect* was then read for him, for that was not the proper time for it; but it being a time of *secret Prayers*, they were so moved with what the King said, that they all pray'd for him. (2.) Among the Heathens, when they were bidden *favere Linguis*, yet then (*n*) *Brissonius* saith, *They made their private Prayers*; And as the *Deacons* commanding Silence seems to be much of the same Nature, it is not probable that the Christians should fall short of their Devotions. (3.) The great Argument to me, is the small number of *Collects* in the Ancient *Churches*; For the Christians spent a great deal of time in the *publick Service*, on the Lord's-days, and the *Stationary days*; But all the other Offices could not take up that time, there being no long *Extemporary Prayers*, nor such a multitude of tedious *Ceremonies* in all Parts, as the *Roman Breviary* and *Missal* introduced, and the *Collects* of greatest Antiquity, being very few and short, it seems most probable, that a competent part of the time was spent in private Devotions. A remainder whereof is still preserved in the Office of *Ordination* of *Priests* in our Church, whereby *silence is commnaded to be kept for a time, for the Peoples secret Prayers*. And the same Custom was observed at the *Bidding of Prayers*, which was a direction for the People what to pray for in their (*o*) *private Devotions*; After which follow'd the *Lord's-prayer* as the concluding *Collect*. But either that or another was still used after these *silent Prayers*, and that is the true ancient Reason of the Name: For (*p*) *Micrologus* saith, *The name* Collecta *was, because the Priest therein did, Omnium Preces colligere*, or, as (*q*) *Walafridus Strabo* saith, *Necessarias omnium Petitiones compendiosâ brevitate colligere.* This was distinct from the Prayer made *ad Collectam*, before the People went to the *Stationary Churches*; Of which *Onuphrius Panvinius* and *Fronto* in his *Calendarium Romanum* have said enough. But as to the *Gallican Churches*, the (*r*) Council of *Agde* shews that after the other Offices were performed in the Morning and Evening Service, the People were to be dismissed by the Bishop *Collectâ Oratione, i. e.* With a concluding *Collect*.

(*l*) Greg. *l.* 5. *c.* 8. (*m*) Eug. Roblet. *de Officio* Mozarab. *c.* 28.

(*n*) *De Formulis*, *p.* 9, 10.

(*o*) *Vid.* Mat. Parker. *Concion. in obit.* Buceri. (*p*) Mircr. *l.* 3. (*q*) Walafr. *c.* 22.

(*r*) *Con. Agath. c.* 30.

(2.) As to the *Communion Service* (*s*) *Gennadius* saith, *That* Musæus *composed a large Volume of the Sacraments, with several Offices according to the Seasons, with a diversity of Lessons, and Psalms, and Anthems, and Prayers and Thanksgivings.* This Book is called, *Liber Sacramentorum*, and so is *Gregory*'s, saith (*t*) *Menardus* in several *MSS.* and the *old Missal* published by *Illyricus* is called *Ordo Sacramentorum*; Which was the

(*s*) Gennad. *in* Musæo.

(*t*) *Not. in Sacr.* Greg. *p.* 1, 2.

Name given to the Books of *Liturgick Offices*, which were called *Sacramenta*, both by St. *Ambroſe* and St. *Auguſtine*, as *Menardus* ſhews. (*u*) *Cardinal Bona* confeſſes, *That there is undoubted Evidence, that the old* Gallican *Liturgy, differ'd from the* Roman; And (*w*) *Charles the Great*, not only ſaith, *That there was ſuch a difference in the Celebration of the Divine Offices; But that the* Gallican *Churches were very unwilling to change theirs for the* Roman, Matthias Flacius Illyricus (not *Flavius*, as *Le Cointe* pretends to correct his Name) having found an ancient *MS. Miſſal*, and diſcerning ſeveral different Prayers in it from the *Roman Miſſal*, thought this to have been the ancient *Gallican Miſſal*, wherein he is followed by (*x*) *Le Cointe*, who hath printed it at large in his *Annals*; with an *Epitome* of it publiſhed by *Menardus* out of an ancient Copy. But (*y*) he ſhews that *Illyricus* his Copy could not be of that *Antiquity* he pretends, *viz. Before the time of* Gregory *the Great:* There being ſeveral things in it not of that Age; Which were not in the *old Miſſal* of 986. and were in another of later date; To which *Le Cointe* returns no Anſwer; But becauſe this differs from the *Roman Miſſal*, he concludes it muſt be the *Gallican*; Whereas, upon peruſing it, it will appear rather to be a *Supplement* to the *Roman Miſſal* for the Devotion of thoſe that celebrate it, conſiſting chiefly of *private Prayers* to be uſed by them before *Celebration*, and during the *Singing* of the *Several Hymns:* For the common parts of the Office, as the *Introitus*, *Epiſtola*, *Graduale*, *Evangelium*, *Offertorium*, *Secreta*, *Præfatio*, *Communio*, & *Poſt-communio*, are only referr'd to, and not ſet down; Whereas if this had been the *Gallican Miſſal*, all thoſe parts would have been ſet down rather more diſtinctly than others. (*z*) *Card. Bona* thinks it *not to have been before the end of the tenth Century, about which time ſeveral ſuch private* Miſſals *were made*. But he concludes, that certainly this was not the *old* Gallican *Miſſal: What it was*, he thinks *hard to determine*, and I think ſo too; If ſuch Authors as *Hilduinus* muſt be relied on. It is true, he mentions the *old Miſſals which contained the* Gallican *Liturgy from the firſt reception of the Chriſtian Faith, till the* Roman *Miſſal was received*; But he is an Author of no Authority, and quotes theſe *Miſſals* for a thing notoriouſly falſe, *viz. the Martyrdom of* Dionyſius Areopagita *in* Gaul. And he pretends, that *Innocentius*, *Gelaſius* and *Gregory*, *all endeavour'd to alter the* Gallican *Liturgy*, which continued in uſe till *Pepin*'s time: So that from *Hilduinus* no certain Note can be taken. It is much more material which (*a*) *Berno Augienſis* ſaith, *That in the* Archives *of their Monaſtery, he found an old Miſſal wherein the Offices were very differently ordered from what they were in the* Roman. And he mentions one remarkable particular of the *Roman Miſſal*, which is,

(1.) The Difference I ſhall obſerve in the *Communion Service*, viz. *That the Creed was not ſaid nor ſung at* Rome *after the Goſpel*, of which he ſaith, They gave this Reaſon, *becauſe the* Roman *Church was never infected with Hereſie*; which, he ſaith, *the Emperor* Henry I. *was ſo little ſatisfied with, that he never ceaſed, till they had introduced it at* Rome; which, ſaith (*b*) *Baronius*, was done *An. Dom.* 1014. but he ſeems not pleaſed *that the former Cuſtom was broken.* Before that time, none that ſpeak of the *Cuſtoms* of the *Roman Miſſal* ever mention the *Creed*, as may be ſeen in *Alcuinus*, *Amalarius*, *Rabanus*, and others. And this cannot be underſtood barely of the *Conſtantinopolitane* or *Nicene Creed*, as (*c*) *Menardus* well proves, *becauſe then* Berno *would have ſpoken more diſtinctly.*

(*u*) *Rer. Liturg. l.* 1. *c.* 12.
(*w*) Car. *de Imag. l.* 1. *c.* 6.
(*x*) *Annal. Eccl. Franc. To.* 2. *A. D.* 601.
(*y*) Menard *App. ad lib. Sacr. p.* 266.
(*z*) *Rer. Liturg. l.* 1. *c.* 12.
(*a*) *De Rebus ad Miſſam ſpect. c.* 2.
(*b*) Bar. *A.D.*1014. *n.* 5.
(*c*) *Not. in* Greg. *Sacr. p.* 370.

distinctly. And the *Athanasian Creed*, as far as we can trace it, was first used in the *Gallican Churches*, and that use first mention'd by *Abbo Floriacensis* in some *Fragments* sent by *Nicolaus Faber* to (*d*) *Baronius*. But whosoever considers the universal Silence about that *Creed* before, and compares it with the *Profession* of Faith in the first *Canon* of the fourth Council of *Toledo*, which then took so many of the *Gallican Offices* into the *Service* of the *Spanish Churches*, will see Reason to believe that this Creed was originally of a *Gallican Composition*, and thence was carried into *Spain* upon the Conversion of the *Goths* from *Arianism*, wherein several Expressions are taken out of St. *Augustine*'s Works. *Ruffinus* shews, *That those that were to be baptized did at* Rome *repeat the Creed*; but that is another thing from its use in the *Liturgy*, which both *Baronius* and (*e*) *Bona* confess was so lately introduced at *Rome*. So that here we have one considerable difference of the *Roman Offices* from those of other Churches; For (*f*) *Isidore* saith, *That the* Nicene *Creed was then used in the* Gothick *Churches in the time of Sacrifice*, as the *Church Service* was then called; For that it had no Relation to that which is called *the Sacrifice of the Mass*, appears by *Concil. Aurel.* 3. *can.* 29. Where we find the name of *Sacrifice* applied to the *Evening Service*, *Sacrificia Matutina Missarum, sive Vespertina*; And so (*g*) *Cassian* uses *Sacrificia Vespertina* in allusion to the Custom of Sacrificing among the *Jews*. And (*h*) *Honoratus*, in the Life of St. *Hilarius* of *Arles*, calls it *Sacrificium Vespertinæ Laudis*. And *Missa* was then used for the *publick Service*, as (*i*) *Cassander* and others shew. In the Rule of St. *Benedict*, *Missæ* are to be taken for the concluding *Collects* at the *Canonical Hours*. (*k*) *Cassian* useth *Missa* for any *publick meeting at Prayers*, thence he speaks of *Missa Nocturna*, and *Missa Orationum*, and *Missa Canonica*, for the *Nocturnal Office* among the Monks; And in the *Concil. Agath.* c. 30. We read of *Missæ Vespertinæ*. But afterwards the name was appropriated to the most solemn part of publick Worship, viz. *The Communion Service*. In which the *Creed* was appointed by the third *Council of* Toledo, *c.* 2. in all the Churches of *Spain* and *Gallæcia*; or as some Copies have it, *of Gallia*; Which is confirmed by an Edict of *Reccaredus* to that purpose; which extended to that Part of *Gallia Narbonensis*, then under the *Gothick Power*; Where a (*l*) Council met under *Reccaredus*, about the same time. In which *Gloria Patri* was decreed to be used at the end of *every Psalm*; which was observed by the other *Gallican Churches* in *Cassian*'s time. It seems very probable, that the *Spanish Churches* did follow the Customs of the *Gallican* in other parts of the *Divine Offices* as well as this; Which appears by the Passage in the Epistle of *Carolus Calvus* produced by (*m*) *Card. Bona*, where speaking of the ancient *Gallican Offices* before the Introduction of the *Roman*, he saith, *He had seen and heard how different they were by the Priests of the Church of* Toledo, *who had celebrated the Offices of their Church before him.* Which had signified nothing to this matter, unless the *Gothick* and *Gallican Offices* had then agreed. I do not say that the old *Gallican Service* can be gather'd from all the Parts of the *Mozarabick Liturgy*, as it was settled by (*n*) *Card. Ximenes*, in a Chapel of the Church of *Toledo*; or as it is performed on certain days at *Salamanca*, because many Alterations might be in those Offices as well as others in so long time; And such no doubt there were, as (*o*) *Mariana* confesseth, *by the length of time*; although it did bear the Name of *Leander* and *Isidore*. For (*p*) *Julianus Toletanus* is said to have review'd the whole Office, and to have alter'd and added many things,

(*d*) Bar. *A. D.* 1001. *n.* 3.

(*e*) *Rer. Liturg. l.* 2. *c.* 8.

(*f*) *De Eccl. Offic. c.* 16.

(*g*) Cassian. *de Inst. Monach. l.* 3. *c.* 3.

(*h*) *Vit. Hilarii. Aril. c.* 21.

(*i*) *Liturg. c.* 17.

(*k*) Cassian. *de Inst. l.* 2. *c.* 13. *l.* 3. *c.* 5.

(*l*) *Concil. Narbon. c.* 2.

(*m*) *Rer. Liturg. l.* 1. *c.* 12.

(*n*) Gomes. *de vit.* Ximen. *l.* 2.

(*o*) Mariana. *de Rebus Hisp. l.* 6. *c.* 5.

(*p*) Ildephons. *de Script. Eccles. & in Append.*

things, and *Johannes Cæsaraugustanus* and *Conantius*, and after them *Petrus Ilerdensis*, and *Salvus Abbaildensis*, besides such whose Names are not preserved; But so far as we can trace the ancient Customs of the *Gothick Missal* we may probably infer what the Customs of the *Gallican Churches* at that time were, and thereby shew the difference between them and the *Roman Offices*. As besides this of the *Creed*.

(2.) The *Prophetical Lessons* were always to be read by the Rules of the *Mozarabick Liturgy*: And accordingly three Books were laid upon the Altar in the *Gallican Churches*, as (*q*) *Gregorius Turonensis* observes, *That of the Prophets, and of the Epistles, and of the Gospels.* But nothing but the *Epistle* and *Gospel* were read at *Rome*, as is shew'd already; Which manifests that the Book under St. *Jerome*'s Name, called the *Lectionarius* or *Comes* must be counterfeit; Because therein Lessons out of the *Prophets* are set down: And the Authorities of *Berno Augienses*, *Micrologus* and *Radulphus Tungrensis*, which are the best (*r*) *Pamelius* could find, are not great enough against so plain Evidence to the contrary, to prove this *Lectionarius* to have been made by St. *Jerome*. And he confesses that *Amalarius* several times only mentions the *Auctor Lectionarii* without St. *Jerome*'s Name, who lived a good while before them. But in this the *Roman* Church had its peculiar Rites; for, in the Church of *Milan*, first a Lesson out of the *Prophets* was read before the *Epistle*, as appears by (*s*) *Sulpicius Severus*, And in the *Greek Church*, St. (*t*) *Basil* saith, *That Lessons out of the Old as well as the New Testament were read* By the (*u*) Council of *Laodicea*, *all the Canonical Books were appointed to be read. Zonaras* observes, on the 16th Canon of that Council, *That before this Council there were nothing but Prayers before the Consecration*: But therein he was certainly mistaken; For (*w*) *Justin Martyr* shews, *That the Lessons were read long before, and that out of the Prophets as well as Apostles.* But *Balsamon* and *Aristenus* restrain this Canon only to *Saturdays*; And it enjoins *the reading of the Gospels* then, which was not accustomed before. There being no Religious Assemblies in those Parts on that day: But by the same Canon we find, *That where the Gospels were read, other Scriptures were appointed to be read too.* It is observed by (*x*) *Dominicus Macer*, that *at the Lessons of the Old Testament the* Greeks *do sit; but stand at those out of the New.* (*y*) *Sozomen* reckons it as a peculiar Custom of *Alexandria*, *That the Bishop did not rise up at the Gospels*: And *Nicephorus* * *Callisthus* saith, It was contrary to the Practice of all other Churches.

(3.) After the *Gospel*, the *Sermon* follow'd in other *Churches*; But in the old *Roman Offices*, there is no mention at all of any *Sermon* to the *People.* (*z*) *Card. Bona* saith, *That it hath been the uninterrupted Practice of the Church from the Apostles times to our own, for the Sermon to follow after the Gospel*: And he doth sufficiently prove the *Antiquity* of it from the Testimonies of *Justin Martyr* and *Tertullian*, and the general Practice of it in *other Churches*, especially the *Gallican*; But he offers no Proof, that it was observed in the Church of *Rome*. But (*a*) *Sozomen* observes it as the peculiar Custom of that Church, *That there was no Preaching in it; neither by the Bishop, nor by any one else. Valesius* seems to wonder at it; But he saith, *If it had not been true*, Cassiodore, *who certainly knew the Customs of that Church, would never have repeated it.* In the *Sacramentary* of *Gregory*, The *Offertory* immediately follows after the *Gospel*; And *Micrologus* saith, *Finito Evangelio, statim est offerendum,*

(*q*) Greg. Turonen. *l.* 4. *c.* 16 *l.* 8. *c.* 7.

(*r*) *To.* 2. *Liturg. in Præfat.*

(*s*) Sever. Sulpic. *vit.* Martini, *l.* 3.

(*t*) Basil. *Hom.* 13. *& 21.*

(*u*) *Concil. Laod. c.* 59.

(*w*) *Apolog.* 2.

(*x*) *Hierolexicog.* v. *Lectio.*

(*y*) Soz. *l.* 7. *c.* 19.

* Niceph. *l.* 12. *c.* 34.

(*z*) *Rer. Liturg. l.* 2. *c.* 7. *n.* 6.

(*a*) Soz. *l.* 7. *c.* 9.

ferendum, c. 10. And to the same purpose in the *Ordo Romanus*: But in the *Ordo* of the *Western Churches*, published by (*b*) *Cassander* with the other, There *the Bishop is to be attended on after the Gospel in order to his Preaching*; But if he will not, *Then the Creed is to be sung*: And according to this Custom, the (*c*) *Gemma Animæ* is to be understood when it saith, *That after the Gospel, the Bishop preaches to the People.* It is true, That in the Church of *Rome*, *Leo* did make some *Sermons* on solemn Occasions; *But he was the first that did it*, saith (*d*) *Quesnel*, if *Sozomen* may be believed. It is possible, That upon some extraordinary Occasions, the Bishops of *Rome* might speak to the People before his time, as *Liberius* is said, by St. (*e*) *Ambrose*, to have done at St. *Peter's*; But this signifies nothing to the constant Office of Preaching, which was not used in the Church of *Rome* by any Bishop before *Leo*, nor by many after, as it was in other Churches. In the *Gallican Churches*, as (*f*) *Christianus Lupus* observes, The Bishops called their Office *Prædicationis Officium*; as appears by the *Profession* both of *Bishops* and *Archbishops*, among (*g*) *Sirmondus* his *Formulæ* published out of ancient Copies. And in the *Royal Confirmation* they were charged *to be diligent in Preaching*. The same Author tells us, *That* Charles *the Great was so strict in requiring it, That he made the Penalty of the neglect of it to be no less than Deposition.* Which is warranted by the *Apostolical Canon* 58. The Council in *Trullo*, c. 19. *charges the Bishops to preach constantly. But especially on the Lord's-days*; The want whereof was extremely lamented afterwards in the *Greek* Church by (*h*) *Barlaam*, and (*i*) *Gregorius Protosyncellus*. And the neglect of it in the *Armenian Churches* hath brought the *Episcopal Order into so great Contempt*, as (*k*) *Clemens Galanus* reports, (who was a long time among them) that he saith, *They use their Bishops for little else but to give Orders*; But the only Men in esteem are their *Vartabret*, (whom he renders *Magistri, their Preachers*;) whom the People regard far beyond their *Bishops*, *because*, they say, *they represent* Christ *himself, as he was* Rabbi, *or the Teacher of his Church.* But to return to the Western Churches. In the Church of *Milan*, (*l*) St. *Augustine* saith, *He heard St.* Ambrose *every Lord's-day*; And, he saith, (*m*) *He accounted it the proper Office of a Bishop to preach*; Which he performed, as in other Churches (*n*) *after the Gospel*, before the *Dismission* of the *Catechumeni*; But by the *Mozarabick Liturgy*, the *Sermon* was after their *dismission.*

(*b*) *Liturg.* P. 52. 105.
(*c*) *Gem. Animæ. l.* 1. *c.* 25.
(*d*) *De vit. & gestis* Leonis, *p.* 257.
(*e*) Ambrose. *de virg. veland. l.* 3.
(*f*) *In Can. Trull.*
(*g*) *To.* 2. *Concil. Gall. Form.* 12, 13.
(*h*) Barlaam, *Epist.* 1.
(*i*) Greg. *Apol. ad* Marc. Ephes.
(*k*) *Concil. Eccl. Armeniæ.* &c. *c.* 28.
P. 455.
(*l*) *Confess. l.* 6. *c.* 3.
(*m*) *De Officiis, l.* 1. *c.* 1.
(*n*) *Ep.* 33.

(4.) The *Gallican Churches* had peculiar Offices after the Sermon; So (*o*) *Walafridus Strabo* saith, *That some of those Prayers were still in use among them.* And (*p*) *Micrologus*, *That the Prayer*, Veni Sanctificator, *&c. was taken out of the* Gallican *Ordo.* But, to make this more clear, we are to consider, that there were some parts of the *Communion Service* wherein all the *Ancient Offices* agreed; as in the *Sursum Corda*, and *Habemus ad Dominum* used in the *Eastern*, as well as *Western Churches*; and there are as plain Testimonies of their use in the *African* and *Gallican Churches* as the *Roman*; before the *Roman Offices* came to be imposed on other Churches. The *Gratias agamus Domino Deo nostro*, and *Verè dignum & justum est æquum & salutare, nos tibi semper & ubique gratias agere*, are mention'd by St. *Cyril*, St. *Chrysostome*, St. *Augustine*, and other ancient Writers: This latter part in the *Mozarabick Liturgy* is called *Inlatio.* The *Trisagion* was generally used; I do not mean that which was said to have come by Revelation in the time of *Proclus* at *Constantinople*; But that which the *Greeks* call Ἐπινίκιος, and is called

(*o*) Walafr. 22.
(*p*) Microl. *c.* 11.

Trisagium

Trisagium in the *Ambrosian Missal*, and was used with a more ample Paraphrase in the *Eastern Churches*. All these Parts are retained in the excellent Office of our *Church*; not from the Church of *Rome* (as our Dissenters weakly imagine) but from the consent of *all the ancient Churches* in the use of them; Which it hath follow'd likewise in the putting them into a Language understood by the People (as (*q*) *Cassander* fully shews.) And in the use of the *Hymn*, *Gloria in excelsis*, which, with the Addition to the Scripture Words, was used in the *Eastern Churches*, as appears by the (*r*) *Apostolical Constitutions*, and a Passage in (*s*) *Athanasius* his Works, and several *Greek MSS.* of it, this was called *Hymnus Angelicus* from the beginning of it, and *Hymnus Matutinus* from the ancient time of using it, as appears not only from other *MSS.* but from the famous *Alexandrian Copy* of the *LXX.* where it is set down in large Letters, and called by the Name of *the Morning Hymn*. Its use in the *Gallican Church* is attested by the *ancient MS.* in the beginning of this Discourse; And (*t*) *Alcuinus* makes St. *Hilary* of *Poictou* to have been the Inlarger of it. The *Prayer for the Church Militant*; For *Kings and Princes*; And all *Ranks and Orders of Men*; The *Commemoration* of Saints *departed*; The *Reading the Words of Institution*, and using the *Lord's-prayer*; were in all the *ancient Liturgies* as *parts* of the *Communion Service*: And therefore are not to be look'd on as appropriated to the *Canon* of the *Mass* in the Church of *Rome*.

(*q*) *Liturg.* c. 28, 36.

(*r*) *Constit. Apost. l.* 7. c. 47.

(*s*) Athanas. p. 1057.

(*t*) Alcuin. c. 42.

Wherein then did the Difference consist between the *Roman* and *Gallican Churches* at that time, as to *this Service?*

In Answer to this Question, I shall go through the other parts of it, and shew the difference.

(1.) The *Gallican Office* began with a *peculiar Confession* of *Sins* made by the *Priest*; which was called *Apologia*. A form whereof (*u*) *Cardinal Bona* hath published out of a very *ancient MS.* in the *Queen of* Sweden's *Library*; And which he proves to have been the *old Gallican Office*. It is true, that several Forms of such *Confessions*, are in the (*w*) *Sacramentary* of *Gregory*; But all different from the *Gallican Form*. In the old *Missal* of *Rataldus*, Abbat of *Corbey*, published by (*x*) *Menardus*, instead of the *Apology*, we read that Form, *Suscipe Confessionem meam, unica Spes Salutis meæ, Domine Deus meus*, &c. And then follows a particular enumeration of *Sins*, and a general *Confession* of them. And a different Form is produced by (*y*) *Menardus*, out of another ancient *Missal*, *which* he calls the *Codex Tilianus*, and seems most agreeable to the *old Gallican* mention'd by *Bona*; And, There is a great variety of *Forms* of *Confession* and *Supplication* in the *old Missal* published by *Illyricus*. But I observe, That the Form prescribed in the *Roman Missal* is in none of them: viz. *Confiteor Deo Omnipotenti, B.* Mariæ *semper Virgini, B.* Michaeli *Archangelo*, &c. *& omnibus Sanctis*, &c. *Ideo precor B.* Mariam, *&c. Omnes Sanctos.* &c.---*Orare pro me ad Dominum nostrum*: For all the ancient Forms of *Confession* were only *to God himself*; And so they continued for 1000 Years after *Christ*; About which time *Menardus* saith, *The several ancient Missals before mentioned do bear Date.* The Common Ritualists attribute the present Form to *Pontianus*, or *Damasus*, but *without any Authority*, saith (*z*) *Card. Bona*. The first mention I can find of *Confession to Saints*, is that which he sets down out of the *Codex Chisii*; Which being in the (*a*) *Lombard Character*, he guesses to have been before the end of the tenth Century, and with this (*b*) *Micrologus* agrees; The Author whereof lived towards the

(*u*) *Rer. Liturg. l.* 2. c. 1.

(*w*) *Sacr.* Greg. p. 242.

(*x*) *Sacr.* Greg. p. 262.

(*y*) Greg. *Sacr.* p. 269.

(*z*) *Rer. Liturg. l.* 2. c. 2.

(*a*) *Id. l.* 1. c. 12.

(*b*) Microl. c. 23.

end

end of the eleventh Century. So that this part of the *Roman Missal* was neither in the *Gregorian* nor *Gallican Offices*, being of a much later Original.

(2.) The *Gallican Office* had *peculiar Prefaces*, and *Collects* different from the *Roman*. By the *Prefaces* are understood that part of the *Service* which immediately goes before *the Consecration*, and is called in the *Gallican Office*, *Contestatio*, in the *Gothick*, *Illatio*, shewing not only the general *Fitness for us at all times, to give thanks to God*; But the *particular Reason of it, with respect to the Day*. Of which kind of *Prefaces*, the *Roman Church* allow'd but Nine, which were attributed to Pope *Gelasius*; But (*c*) *Card. Bona* saith, *That number is to be found only in the Missals, after An. Dom.* 1200. For before, there were many more, as appears by *Gregory's Sacramentary*; But how they came to be left out afterwards in the *Roman Missal* is a Mystery, of which none of the Ritualists give any tolerable account. However this is enough to shew their Ignorance, when they so confidently attributed the proper *Prefaces* to *Gelasius*; As though *Gregory* would have slighted so much the *Decree* of his *Predecessors*, as to have appointed so many more, if *Gelasius* had limited the number to Nine. But however it was in the *Roman Church*, the *Gallican Church* had *peculiar Prefaces* for all solemn Occasions. Of which (*d*) *Card. Bona* hath produced three remarkable Instances, two out of the former ancient *MS.* of Nine hundred Years old, which formerly belong'd to *Petavius*, a Senator of *Paris*; And a third out of a Copy of the *Palatine Library*, translated to the *Vatican*, of the same Age. From these exellent Monuments of Antiquity compared together we may in great measure understand the *true Order* and *Method* of the *Communion Service* of that time, both in the *Gallican* and *British Churches*, especially on *Saints-days*; For no other *Offices* are preserved, or at least made known to the World. And on those *Occasions* the *Service* began with particular *Collects* for the *Day*; Then follow'd the *Commemoration* out of the *Diptychs*; Then another *Collect*, *Post nomina*; After which the *Collect*, *ad Pacem*; Then the particular *Prefaces* relating to the *Saint* whose memory was celebrated; with a larger account of his good Actions than is used in any of the *Gregorian Prefaces*, expressed in a devout and pathetical manner; Which ended in the *Trisagion*; And was continued by another *Collect* to the *Consecration*; After which follow'd a *devout Prayer for benefit by the Holy Sacrament*; And after another *Collect* for the occasion follow'd the *Lord's-prayer*, with a *Conclusion for the Day:* And the whole Service was concluded with a *Benediction* of the *People*, a *Collect* after the *Eucharist*, and a short *Thanksgiving*. This is a just and true Account from these authentick Offices of the *Publick Service* then used in the *British Churches* following the *Gallican* from the time of St. *German*, whose particular *Office* is one of those preserved by *Card. Bona*; And in the *peculiar Preface* his great Zeal is mention'd in *Preaching and going up and down doing good in* Gaul, Italy *and* Britain, *for thirty years together.*

(3.) As to the *Canon* of the *Mass*, as it is called in the *Church* of *Rome*, or the *Prayer of Consecration* used in the *Church* of *Rome*, and magnified *as Apostolical*, St. (*e*) *Gregory* affirms, as plainly as he well could, *That it was first composed by a private Person*, and was not of Apostolical Tradition. Who that *Scholar* was, it is now impossible to know, and not at all material, since it is apparent that it was received into the *publick Use* of the *Church*. Some small additi-

(*c*) *Rer. Lit. l.* 2. *c.* 19. *n.* 3.

(*d*) *Rer. Liturg. l.* 1. *c.* 12. *n.* 6.

(*e*) Greg. *Epist. l.* 7. *ep.* 63.

ons, they say, were made to it by several *Popes*, till *Gregory*'s time, who, according to the Ritualists, shut up this *Canon*. But I see no reason to believe that *Consecration* of the *Eucharist*, was at that time performed in other Churches by the words of this *Canon*. For, setting aside the *Eastern Churches*, which had *Forms* of their own; The *African Churches* did not follow *the Roman Form*. For although (*f*) *Optatus* mentions *illud legitimum in Sacramentorum mysterio*; which implies, that there was *a certain Form* to be observed; yet this doth not at all prove, that it was *the Roman Canon*: And it evidently appears that it was not, by the Testimonies of (*g*) *Marius Victorinus*, and (*h*) *Fulgentius*, two *African* Writers, who both mention some *Prayers* used in the *Eucharist*, which are not in the *Roman Canon*, and those not *Prefatory*; but such as do relate to the main parts of the *Canon*. It is true, the Writer about the Sacraments, under St. *Ambrose*'s name (for (*i*) *Card. Bona* will not allow him to be St. *Ambrose*) doth produce several Expressions in the Form of *Consecration* which agree with the *Roman Canon*; But then he adds a very considerable Passage, which I hardly believe, those who are most zealous for the *Roman Canon* will say, was ever part of it, (*k*) *Fac nobis hanc oblationem ascriptam, rationabilem, acceptabilem, quod est figura corporis & sanguinis Domini nostri* Jesu Christi. And in the *Gallican Church*, the Form of *Consecration*, as appears by the *Office* of St. *German*, was nothing else but repeating *the Words of Institution*, after the Conclusion of the *Trisagion*, and *Gloria in Excelsis*. After which follow'd *a Prayer, for God's Holy Word and Spirit to descend upon the Oblation they made, That it might be a spiritual Sacrifice well pleasing to God; And that God, by the Blood of* Christ, *would with his own Right Hand defend those his Sacraments*; And then follow'd the *Lord's Prayer* and other *Collects*. This *Prayer* after *Consecration*, *Card. Bona* knows not what to make of, as seeming wholly inconsistent with *Transubstantiation*, for if that Doctrine had been then believed, and by *Consecration* the Elements turn'd into the Body of *Christ*; To what purpose doth the *Church* then pray *for the Word and Spirit to descend upon the Elements*, when they are actually united already? But (*l*) he makes a very hard shift to interpret these Words, not of a descent on *the Elements*, but *on the Hearts of the Communicants*: But the Words are, *Descendat super hæc quæ tibi offerimus Verbum tuum Sanctum*, Which are so plain and evident concerning *the Elements*, that nothing but mere force, can make any Man to understand them of *the Receivers*. Besides, that *Office* concludes with a particular Prayer for the Benefit of those that had partaken of the *Body of Christ*, wherein his Expression is remarkable, *Christe Domine, qui & tuo vesci corpore, & tuum corpus effici vis fideles, fac nobis in remissionem Peccatorum esse quod sumpsimus*, i. e. *O Christ, our Lord, who wouldest have thy People eat thy Body, and become thy Body, grant that we may be that which we have taken for the Remission of our Sins*. And it is certain, the meaning of this Prayer was not that Christians might *become the Natural Body of* Christ; And therefore it was not then believed, That the Faithful did in the *Eucharist* take *the Natural Body of* Christ; But that which was *the Body of* Christ *in such a mystical sense as the Church is*. But *Transubstantiation* was no part of the *Faith* of the *Church* at that time, and therefore it is no wonder to meet with Expressions so disagreeing to it in their solemn Devotions. And it is well observed by (*m*) *Card. Bona*, that the Custom of *Elevation* of the *Host*, in Order to *Adoration*, is found in none of the ancient

(*f*) Opt. l. 2.

(*g*) Victor. *adverf.* Arium, *l.* 1.

(*h*) Fulgent. *in Ep.* 1. *ad* 1 Cor. *c.* 14.

(*i*) *Rer. Liturg. l.* 1. *c.* 7. *n.* 4.

(*k*) *De Sacram. l.* 4. *c.* 5.

(*l*) *Rer. Liturg. l.* 2. *c.* 13. *l.* 1. *c.* 12.

(*m*) *Rer. Liturg. l.* 1. *c.* 13. *n.* 2.

ancient *Sacramentaries*, nor in the *Ordo Romanus*, nor in the *Old Ritualists*, such as *Alcuinus*, *Amalarius*, *Walafridus*, *Micrologus* and others. The same had been ingenuously confessed before by (*n*) *Menardus*, in the same Words: And although there may be *Elevation*, where there is no belief of *Transubstantiation*, yet, since the Custom of *Elevation* was lately introduced into the *Western Churches*, and in order to *Adoration* of the Body of *Christ* then present by *Transubstantiation*; it seems very probable, that Doctrine was not then received by the Church, the Consequences whereof were not certainly in use: For there was as much Reason for the *Elevation* and *Adoration* at that time as ever could be afterwards. But my Business is now only to shew wherein the *Gallican* and *British Churches* differ'd from the *Roman*, and not wherein they agreed.

(n) *Not. in Sacr. Greg.* p. 374.

(4.) The last difference was as to the *Church Musick*, wherein the *Romans* were thought so far to excel other *Western Churches*, That the goodness of their *Musick* proved the great occasion of introducing their *Offices:* For (*o*) *Charles* the Great saith, *That his Father* Pepin *brought the* Roman *way of Singing into the* Gallican *Churches, and their Offices along with it.* And although he saith, *many Churches stood out then, yet by his means they were brought to it.* And he caused some of the best Masters of *Musick* in *Rome* to be brought into *France*, and there settled for the Instruction of the (*p*) *French Churches:* By which means the *old* Gallican *Service* was so soon forgotten, That in (*q*) *Carolus Calvus* his time, he was forced to send as far as *Toledo*, to have some to perform the *Old Offices* before him; So great a Power had the *Roman Musick*, and the *Prince*'s *Authority* in changing the ancient Service of the *Gallican Churches.* But thus much may suffice to have cleared the ancient Service of these *Western Churches*, and to have shew'd their difference from the *Roman Offices.*

(o) *De Imag. l.* 1.

(p) Pithœi *Glos. v. Cantus Gallicanus.*

(q) Carol. Calv. *Epist. ad Cler. Ravenn.*

From which Discourse it will appear, that our *Church* of *England* hath omitted none of those *Offices* wherein all the *Ancient Churches* agreed; And that where the *British* or *Gallican* and *Roman* differ'd, our *Church* hath not follow'd the *Roman*, but the other; And therefore our *Dissenters* do unreasonably charge us with taking our Offices from the *Church* of *Rome.*

CHAP. V.

Of the *Declenſion* of the *Britiſh* Churches.

BRitain *never totally ſubdued by the* Romans.

That, the Occaſion of the Miſeries of the Britains *in the* Province, *by the Incurſions from beyond the Wall.*

Of the Picts, *and* Scots, *their mortal Enemies.*

The true Original *of the* Picts *from* Scandinavia.

That Name not given to the Old Britains, *but to the* New Colonies.

The Scotiſh Antiquities *enquired into.*

An Account of them from John Fordon, *compared with that given by* Hector Boethius *and* Buchanan.

Of Hector's *Authors*, Veremundus, Cornelius Hibernicus *and their ancient* Annals.

An Account of the Antiquities *of* Ireland, *and of the Authority of their Traditions and* Annals, *compared with the* Britiſh Antiquities *publiſhed by* Geoffrey *of* Monmouth *in point of Credibility.*

A true Account of the Fabulous Antiquities of the Northern Nations. Of the firſt coming of the Scots *into* Britain.

The firſt Cauſe of the Declenſion and Ruin of the Britiſh *Churches was, the laying them open to the fury of the* Scots *and* Picts.

Of Maximus *his withdrawing the* Roman *Forces; And the Emperor's ſending numbers of* Picts *to draw them back.*

The miſerable Condition of the Britains *thus forſaken; And Supplies ſent them for a time, and then taken away.*

Of the Walls *then built for their Security, and the* Roman Legions *then placed.*

Of the great degeneracy of Manners among the Britains.

Of Inteſtine Diviſions, and calling in of Foreign Aſſiſtance.

The Saxons *firſt coming hither.*

Who they were, and whence they came.

Bede's *Account examin'd, and reconciled with the Circumſtances of thoſe times.*

His fixing the time of their coming juſtified.

Of the Reaſons of Vortigern's *calling in the* Saxons.

And

And the Diſſatisfaction of the Britains *upon their coming, and* Vortigern's *League with them.*

Of the Valour of Vortimer *and* Aurelius Ambroſius *againſt the* Saxons.

The different Account of the Battels between the Britains *and* Saxons *among our Hiſtorians.*

The ſad Condition of the Britiſh *Churches at that time.*

The imperfect Account given by the Britiſh Hiſtory.

Of King Arthur's *Story and Succeſs.*

Of Perſons of greateſt Reputation then in the Britiſh *Churches, and particularly of* St. David.

Of the Britains *paſſing over to* Aremorica.

The beginning of that Colony *ſtated.*

Gildas *there writes his Epiſtle; The Scope and Deſign of it.*

The Independency *of the* Britiſh *Churches proved from their carriage towards* Auguſtine *the Monk.*

The Particulars of that Story cleared; And the whole concluded.

BEing now to give an Account of the fatal Declenſion of the *Britiſh* Churches, it will be neceſſary to look back on the time when their Miſeries firſt began. For which we are to conſider, That the *Romans* having never made an entire Conqueſt of the whole *Iſland*; but contenting themſelves with the better part, and excluding the reſt by a Wall, they ſtill left a back-door open for the poor *Provincial Britains* to be diſturbed, as often as the *Roman* Garriſons neglected their Duty, or were overpowered by their Enemies. Who were now very much increaſed in thoſe remoter Parts of *Britain*; Which being abandon'd by the *Romans*, they became an eaſie Prey to the *Scots* and *Picts*; Who, from different parts, took Poſſeſſion of thoſe Coaſts, which lay neareſt to the Place from whence they came. Thus, the *Scots* coming from *Ireland*, entred upon the *Southern* and *Weſtern* Parts, as the *Picts* from *Scandinavia* had before done on the *Northern*. Our Learned (*a*) Antiquary was of Opinion, *That the* Picts *were no other than the ancient* Britains, partly ſettled in thoſe Parts, before the *Roman* Invaſion, and partly retiring thither out of Impatience of the *Roman* Yoke, who by degrees grew up into a conſiderable number of People. It is not to be queſtion'd, that there was a Stock of *Old Britains* in thoſe *Northern* Parts, as appears by the Army under *Galgacus*, and the Actions againſt *Urbicus*, *Agricola*, *Marcellus* and *Severus*; But their continual Wars with the *Roman Legions*, who were placed about the Wall, on purpoſe to take all Advantages againſt them, muſt needs exhauſt them by degrees, and leſſen them ſo much, as to leave room enough for new Recruits to come in and take up part of their Countrey. And although for their own Security, the Parts near the Wall might be well ſupplied on that ſide, yet when ſo much Blood retired to the Heart as was neceſſary to ſupport Life, a great deal muſt be called off from the extreme Parts for a freſh ſupply of it, and thoſe Parts muſt

(*a*) Camd. *Brit. p.* 82.

must needs be left destitute of natural Heat, and Strength enough to maintain themselves. For during the War, which continued for several Ages, the very Life of the *British Nation*, beyond the Wall, was in perpetual danger; And not only the Duty and Service, but the many Diseases and Accidents of War, could not, in so long a tract of time, but very much impair the *British* Strength, and leave the remoter Parts, if not wholly void of Inhabitants, yet not in a Condition to withstand a foreign Invasion. I grant that *Tacitus*, *Dio*, *Herodian*, *Vopiscus*, &c. take no notice of any other Enemies the *Romans* had at that time in those Parts besides the *Britains*; But then, I think, the Argument may be thus turned upon *Camden*, What makes the latter Writers so expresly and distinctly mention the *Picts*, if they were no other than the *Old Britains*, so often spoken of by *Roman Historians*? I do not understand, why their continuing an *old Custom* should now give them *a new Name*? The *Britains*, however rude, were no more *Picts* then, than they were at *Cæsar*'s coming. What makes the *Roman* Writers so of a sudden alter their Style, and leave off a Name so famous among the *Romans*, for the Name of *Picts*, which was not heard of before? The first mention we find of them is in (*b*) *Eumenius* his *Panegyrick* to *Constantius*, where he takes notice of the different State of the *Britains*, when *Cæsar* subdued them, from what they were in *Constantius* his time: *Then*, saith he, *they were a rude, half naked People, and so easily vanquished; But now the* Britains *were exercised by the Arms of the* Picts *and the* Irish. Nothing can be plainer, than that *Eumenius* here distinguishes the *Picts* from the *Britains*, and supposes them to be *Enemies* to each other. Neither can we reasonably think this a Name then taken up to distinguish the *barbarous Britains* from the *Provincial*: For that distinction had now been of a very long standing, and if it had been applied to that purpose, we should have met with it in *Tacitus*, or *Dio*, or *Herodian*, or *Zosimus*, who speak of the *Extraprovincial Britains*, under no other Name but of *Britains*. (*c*) *Dio* is so exact as to set down the Names of distinction then used for those *Britains*, and he saith, *they were of two sorts*, the *Mæatæ*, and the *Caledonii*; If the name of *Picts* had then comprehended them all, no doubt he would have mention'd it on that occasion. (*d*) *Zonaras* likewise calls them all then by the name of *Britains*. But it is said, *That the* (*e*) *Panegyrist himself calls the* Caledonians, Picts, *who were certainly* Britains. His Words are, *Non dico* Caledonum, *aliorúmque* Pictorum, *Silvas & Paludes*: where *H. Valesius* observes, it ought to be read, *Non* Dicaledonum *aliorúmque* Pictorum; For (*f*) *Ammianus Marcellinus* saith, *the* Picts *were divided into the* Dicaledones *and the* Vecturiones. It is ingeniously conjectured by Mr. *Camden*, that these Names were taken from the Situation of the People, the first from *Dehau* and *Caledones*, or the *Caledonians* on the *Right-hand*, and the other from *Chwithic*, which signifies the *Left-hand* in the *British Language*. But Archbishop (*g*) *Usher* observes, that he is mistaken, in supposing; *the Right-hand among the* Britains *to be the West, and the Left-hand the East*; for he plainly proves, *that by the one is understood the South, and the other the North*. And (*h*) *Bede* shews, that the Northern and Southern *Picts* were divided from each other by a Ridge of *Mountains*; which (*i*) *John Fordon* saith, was *Mount Grampius*, which parted the *Scots* and the *Picts*. For the *Scots* came into that part of the *Picts Countrey* which lay next to *Ireland*; from whence they came thither under

(*b*) *Paneg. Const.* n. 11.

(*c*) Xiphil. *in* Sever.

(*d*) Zonar. *in* Sever.

(*e*) Eumen. n 7.

(*f*) Am. Marcel. *l.* 27. *c.* 8.

(*g*) *De Primord.* p. 1021.

(*h*) Bed. *Hist. Eccl. l.* 3. *c.* 4.

(*i*) *Scotichron. l.* 2. *c.* 7.

under the conduct of *Reuda*, as (*k*) *Bede* saith. Who, as some think, was *the chief of the Six Sons of the King of* Ulster, *who, as* Giraldus Cambrensis *saith, with no small Fleet, came into the Northern Parts of* Britain, *and there settled themselves*; from whom that Countrey was called *Scotia*. Which, if it happen'd in the time of *Constantius*, as Archbishop (*l*) *Usher* proves from the Anonymous Life of St. *Patrick*, it agrees very well with what (*m*) *Ammianus Marcellinus* saith, *That in the latter end of his Reign, the* Scots *and the* Picts *were both joined against the* Britains. The *Scots*, as (*n*) *Gildas* and (*o*) *Bede* say, *coming from the West, and the* Picts *from the North*; And so *Fabius Ethelwerd* saith, *the* Picts *came from the North*; *and the* Scots *from the West*; *who took possession of the Southwest parts of* Caledonia *beyond* Glota, *and* Bodotria, *or* Dumbritton, *and* Edenborough Frith. And so, the *Mons Grampius*, or the *Dorsum Britannicum*, as some call it, parted the *Picts* and the *Scots*; the *Old Britains* still living between the Wall and the *two Friths*; For *Bede* expresly saith, *That both the* Scots *and the* Picts *lived beyond them*; and he likewise adds, *That upon the remove of the* Roman *Legion they took in all the Countrey as far as* Severus *his Wall*; where the *Britains dwelt before*. I confess, the *Roman Province* had different *Bounds* at several times, it sometimes extending as far as *Antonius* his Wall, or *Graham*'s *Dike* between the *two Friths*; Sometimes again it was brought within the Compass of *Hadrian* and *Severus his Wall*, id est, *between the Tine and the Esk*; And *Bede* thinks that the last Wall made by the *Romans* was where *Severus* his Wall stood. If so, that whole Countrey between the two Walls must be then abandon'd for 100 Miles; Which (*p*) some object against as an improbable thing, *The Wall being so much longer, and consequently more indefensible by the* Britains. But, in probability, the *Britains* were then willing to let their Enemies have the more room to prevent being disturbed by them; And this was the main Security they always had, the *Linea Valli* relating to this *Wall* from *Hadrian*'s time; And although sometimes in a bravery the *Roman* Soldiers would march to *Antoninus* his Wall, and drive the *Britains* before them, yet generally the *Roman Province* was bounded by *Severus* his *Wall*, and therefore *Gallio Ravennas* might at last chuse rather to make up and fortifie this for the *Britains*, when the *Roman Soldiers* left them to defend themselves.

(*k*) *Hist.* l. 1. c. 1.

(*l*) *De primord.* p. 547.

(*m*) Amm. Marcel. l. 20.

(*n*) Gild. *Epist.*

(*o*) Bed. l. 1. c. 12.

(*p*) Usser. *de Prim.* p. 1027.

But, as to the several Inhabitants beyond the *Wall*, it will be necessary, in order to the following History, to set down a more particular Account in this Place of the different *Original* of them, which hath been so perplexed by the partial Conjectures of the *Scottish* and *Irish Antiquaries*, that it is no easie matter to find out the plain Truth amongst them. But I shall endeavour to trace the Footsteps of it by the best Light which ancient or modern Authors afford. And I am so far from any pique or partiality in this matter, that I shall be glad to receive any better Information from learned and ingenious Men. For it will appear by this enquiry that the *Antiquities* of both Nations do yet stand much in need of being cleared to the satisfaction of inquisitive Men. But to the business.

It is certain that in the time of *Tacitus*, the Northern Parts of this Island were well inhabited, as appears by the following Account from him. The *Brigantes*, who extended as far as the *Tine*, were, as (*q*) he saith, subdued by *Petilius Cerealis*; The *Silures*, by *Julius Frontinus*;

(*q*) Tacit. *Agric.* c. 17, 18.

nus; The *Ordovices*, the other People of *Wales*, by *Julius Agricola* in his firſt entry upon this Province. But in his third year he went as far as the *Frith* of *Taus*: By which Sir *H. Savil* ſaith, *Some underſtand the Tweed:* For that it cannot be underſtood of the *Taus*, which parts the Northern and Southern parts of *Scotland*, ſeems evident from *Tacitus*, who ſaith, *That the* Romans *had leiſure to build Caſtles there:* But this *Taus* is a great way beyond *the two Friths*; And *Tacitus*, in the fourth year of *Agricola*, makes the *Roman* Power to reach no farther than to *Glota* and *Bodotria*, where he thought *the* Romans *might have conveniently fixed the Bounds of their Empire that way.* But, I confeſs, *Tacitus* his words may bear another meaning; viz. *That although the* Romans *had made Excurſions as far as the* Taus, *and ſet up ſome Forts there*; *Yet when* Agricola *went about to ſettle the Province, he reduced it within the compaſs of the two* Friths; *There being the moſt convenient Place for the Garriſon to be fixed*; *There being ſo ſmall a Neck of Land between the Arms of the two Seas, which was then very well fortified.* But the boundleſs Ambition of the *Romans*, in the fifth year of *Agricola*, carried them beyond theſe Limits; And then he ſubdued Nations before that time unknown; And furniſhed with Forces that part of *Britain* which lieth againſt *Ireland*; Not out of fear of any Invaſion from thence; But rather in hopes of ſubduing that Country by their means. Which ſhews that *Ireland* was then *well peopled*; and thought by *Agricola* very fit for the *Roman Army* to conquer; Becauſe it lay ſo convenient for uniting the parts of the Empire together; And it would help much towards the total ſubduing of *Britain*, if there were no appearance of Liberty left within their view. And *Tacitus* inſinuates that *Agricola* had it in his Deſign, if he had been ſuffer'd to continue longer after his Victory over *Galgacus:* Which *Domitian*'s incurable Jealouſie of Great Men would not permit. However, in order to it, *Agricola* had taken an account of the Ports, and condition of the People, whom he found not unlike the *Britains*; And he kept with him till Occaſion ſerved, one of the *Princes* of that Country, who was driven from thence by a domeſtick Sedition But in the mean time, in his ſixth year, he applied himſelf to the Conqueſt of the ſeveral Nations beyond *Bodotria*, among whom a general Inſurrection was apprehended, and all Paſſages by Land were ſuppoſed to be beſet; And therefore *Agricola* ſet out a Fleet for diſcovery of the Country; the ſight whereof ſtruck great Terror into the *Britains*. And then he ſaith, *the* Caledonians *armed themſelves and ſet upon the* Romans *with all the Force they could make*; and falling upon the *ninth Legion* unexpectedly, had like to have totally defeated them, if the reſt of the Army had not come in to their timely reſcue. By which good ſucceſs, the *Roman Army*, being much incouraged, cried out to march into *Caledonia*; That they might at laſt come to the utmoſt Bounds of *Britain*. But the *Britains* attributed this not to the Valour of the *Romans*, but to the ill Conduct of their *General*; And therefore reſolved to fight it out, and to that end they diſpoſed of their Wives and Children in Places of Safety, and by frequent Meetings and ſolemn Sacrifices they entred into a ſtrict Confederacy, to ſtand it out to the utmoſt againſt the *Romans*. And in this Caſe of common danger, all the Cities were united together, and raiſed an Army of 30000 Men, under the Command of *Galgacus*, who, in his brave Oration, ſo much commended by *Lipſius*, tells his Souldiers, *they were the laſt of the* Britains, *there being no Nation*

tion beyond them; And he calls them, *the most noble of the* Britains, *who had never beheld the Slavery of others*; Upon this the fatal Battel was fought at the Foot of *Mons Grampius*, where 10000 Britains *were killed*, and *the rest dispersed*; After which *Agricola* was recalled. This is the Substance of *Tacitus* his Relation, wherein we may observe; (1.) That these *Britains* were not merely such as were driven thither by the stress of War, but such as had *long inhabited there*, and had so little Communication with the other *Britains*, *that they had never seen the Condition of Slavery which the* Romans *had brought them to.* (2.) That they were not inconsiderable for their Numbers or Valour, who were able to oppose the whole *Roman Army*, and make their *Victory* so doubtful. (3.) That these had a distinct Name from the rest, being in general called the *Caledonian Britains:* And *Tacitus* thinks they had a different *Original* from the *Silures*, and other *Britains.* Those who adjoined to *Gaul*, he concludes came at first from thence, and had several *Colonies* follow'd them afterwards, as appears by their Names, Customs and Language; the *Silures* he deduced from *Spain*, which he proves from their Complexion and Situation; And so probably enough, he thinks them a *Colony of the old Iberi*; some whereof went into *Ireland*, and peopled some part of it: But, besides these two, he makes a third Race of Men in *Britain*, whom he fetches out of *Germany*, and these were the *Caledonian Britains*; But (*r*) he takes *Germany* in a very large Sense, so as to extend as far as the *Sarmatæ*; And to comprehend under it, *the Northern Nations of the* Cimbri, *and the* Gothones, *and the* Sueones; From whom it seems very probable, that the *Caledonian Britains* descended; As the Southern *Britains* came from the *Celtæ*; Whose Language and Religion were kept up among them. But the *Caledonians* came from the *European Scythians*, to whose Coasts they lay much nearer than to those of the *Celtæ*, and their larger Proportions, which *Tacitus* observes agree very well with this Supposition.

(r) Tacit. *de Mor. Germ. c.* 1. *c.* 43, 44.

And these, if I mistake not, were the *Original Picts*, but not called by that Name, till *new Colonies* came over to people the Country, after the terrible Devastation of it by the Continuance of the *Roman Wars.* For (*s*) *Claudian* makes *Thule* the Country of the *Picts*; And after all the Disputes which have been about it, (*t*) *Olaus Rudbeck* hath made it very probable, that *Scandinavia* is meant by it; Which he proves, not only from the Testimony of *Procopius*, who affirms it; but from the exact Agreement of the Relation of *Pytheas*, *Isidorus*, and others with that, and neither with *Iseland*, nor any other Place. Besides, (*u*) *Bede* saith, *The common Tradition was, that the* Picts *came out of* Scythia; Which is affirmed by *Matt. Westminster*, and many others: But they do not mean the *Asian*, but the *European Scythia*; Which comprehended under it all the most Northern Nations, *Ab extremo Aquilone*, saith (*w*) *Pliny*; And elsewhere he saith, (*x*) *That the* Getæ, *the* Daci *and* Sarmatæ, and even the *Germans* were called *Scythians:* (*y*) *Herodotus* mentions the *Northern Scythians* to whom *there was no access by those who dwelt near the* Palus Mœotis *without the help of seven Languages*; And when *Darius* fought with them, *they retired Northwards towards their own Country.* (*z*) *Ptolemy* places the *Royal Scythians* near the *Hyperborean Mountains*; Which could never be found in the vast Plains of *Poland* and *Muscovy*; There being no Mountains there answering to their Description as (*a*) *Heberstreinius* and

(s) Claud. *de quarto Consul.* Honorii.
(t) Ola. Rudbeck, *Atlantic. c.* 19.
(u) Bed. *l.* 1 *c.* 1.
(w) Plin. *l.* 6. *c.* 13.
(x) *l.* 4. *c.* 12.
(y) Herod. *l.* 4.
(z) Ptol. *Tab.* 8. *Europæ.*
(a) *Rer. Muscov. p.* 61.

(b) *Sarm. Europ. l. 2. c. 3, 4.* (c) *Atlantic. c. 9.* (b) *Matthias à Micou* confeſs; And therefore (c) *Olaus Rudbeck* hath undertaken to prove, not without great ſhew of Reaſon, *That theſe Mountains were no other than the Ridge of Mountains in* Sweden, *where the ſeat of the ancient* Scythians *was*; *And that* Ptolemy *was extremely miſtaken in the Situation of the Northern Nations, removing them ſeveral Degrees more Eaſtward than they ought to have been, and ſo very much ſtraitning* Scandinavia. Which (d) *Jornandes* calls *the Work-houſe of Nations*; and the ſame *Jornandes* affirms from *Joſephus*, *That the* Sueones *were the true* Scythians, whom (e) *Xenophon* takes to be *the Governing People of* Europe *in his time*; As the *Perſians* were in *Aſia* and the *Carthaginians* in *Africa*. And the old *Greek* (f) Geographers (as is ſaid before) knew of but two Nations in *Europe* beſides themſelves, viz. the *Scythæ* towards the North, and the *Celtæ* towards the Weſt. Theſe *European Scythians* did make frequent Expeditions by Sea, as appears by the *old Gothick Hiſtories*; And (g) *Olaus Rudbeck* obſerves from them, *That it was a Cuſtom for them to go abroad by Sea, under the Conduct of one of their Princes, to ſee for Booty*; And (h) *Tacitus* ſaith particularly of the *Sueones*, *that they were well provided of Shipping*; And therefore there can be no improbability that theſe Northern Nations ſhould people that part of *Britain* which lay neareſt to them. And (i) *Sueno*, the firſt Hiſtorian of *Denmark*, ſaith, *That* Helgi, *the Son of* Haldan, *the Son of* Skiold, *the firſt Monarch there, was ſo powerful at Sea, that he was called* Rex Maris, *the King of the Sea*. And (k) *Saxo Grammaticus* ſaith, *That, having ſubdued the King of the* Sclavi, *he ſailed into divers Paſſages of the Sea*. (l) *Andreas Velleius* gives this Reaſon why the *Northern Nations* were ſo ſoon and ſo much given *to Expeditions by Sea*, becauſe their Kings having many Children, *they thought them beſt employ'd abroad, in ſeeking other Countries and getting Spoils at Sea*. And upon the old boaſt of the *Scythians* concerning their *Antiquity* and *Nobility* might be grounded that Saying of *Galgacus*, *That the* Caledonian Britains *were the moſt noble of any of them*.

(d) *De Rebus Get. l. 1. c. 4.* (e) *Mem. l. 2. p. 581. ed. H. St.* (f) *v. Strabo, l. 1. & 11.* (g) *Atlantic. c. 7.* (h) *Germ. c. 44.* (i) *Sueno. Opuſc. c. 1.* (k) *Hiſt. Dan. l. 2.* (l) *v. Not. Steph. in Sax. Gram.*

(m) *L. 4. c. 12.* (n) *Atlantic. c. 30.* Among theſe *Scythians* (m) *Pliny* reckons the *Agathyrſi*; Who had their Name, ſaith (n) *Olaus Rudbeck*, from *Aggathyr*, one of the *Gothick* Names for *Neptune*: From *Agga*, ſignifying *Power at Sea*; and *Tyr*, *Power at Land*; *Theſe* Agathyrſi, ſaith he, *were a ſort of People who lived near the Sea, in the* Sinus Codanus, *and were wont to prey upon the Spoils of the Sea*. *Jornandes* places them in *Scandia*, and calls them *Agantzyrios*. They were remarkable in Antiquity for Painting their Bodies, as not only appears from *Virgil*'s

Pictique Agathyrſi,

(o) Solin. *c. 15.* (p) *De Moribus Germ.* (q) *Georg. 2.* (r) *Hiſt. Scot. f. 4.* But from what (o) *Solinus* ſaith of them, *That their Bodies were painted* Colore cœruleo, *juſt as the old* Picts *were*. (p) *Tacitus* obſerves of the *Arii*, a fierce Northern People, *That they had* Tincta Corpora, i. e. *were Picts*. And the ſame (q) *Virgil* ſaith of the *Geloni*, who were next Neighbours to the *Agathyrſi*: So that (r) *Hector Boethius* his Conjecture is not at all improbable, who deduces the *Picti* from the *Agathyrſi*, *i. e.* from the *Maritime Inhabitants of the Baltick Sea*; or, as he expreſſes it, *from thoſe who came firſt out of* Sarmatia *into the* Cimbrick Cherſoneſe, *and from thence into* Scotland.

This being to me the moſt probable Account of the *Original* of the *Picts*, I now come to that of the *Scots*. And, to do right to all Pretenders, I ſhall impartially ſet down the ſeveral Claims of the *Scotiſh* and *Iriſh Antiquaries*, and in paſſing make ſome Remarks upon them.

I be-

I begin with the *Scotiſh* Pretences, (*s*) *Dempſter* hath given a large Catalogue of the *Scotiſh Antiquaries* (whom he never ſaw) ſuch as *Marcerius*, the firſt Writer of their Hiſtory, whom he places *Anno Dom.* 53. From him, (*t*) he ſaith, *Veremundus took his Materials*, (whom *Hector Boethius* profeſſes to follow) and *Cornelius Hibernicus*, another of *Hector*'s great Authors, who is ſaid by him to have lived *Anno Dom.* 1160. about 80 Years after *Veremundus*, according to *Dempſter*'s computation. *Leſly* (or *Robert Turner*, as ſome think) mentions ſome *ancient Annals*, which *Hector* takes no notice of in particular, but *Dempſter* doth, as thoſe of *Paſtet* and *Scone*, and other Monaſteries. It would tend very much to the clearing of the *Scotiſh Antiquities* if ſome of theſe ancient *Annals* or *Lieger Books* were printed by ſome of their Learned Men, who have never been wanting in that Nation ſince *Hector*'s time. And it hath rendred their Credit the more ſuſpicious, becauſe they have been ſo long kept up, when all the old *Annals* which have been found among us have either been carefully publiſhed, or our Writers have on all Occaſions appealed to their Authority, and made uſe of their own Words to juſtifie their Aſſertions. Whether this hath been done by *Hector*, *Buchanan* or *Leſly*, as to theſe *Annals*, I leave the Reader to determine.

(*s*) *Appar. ad Hiſt. Scotic. l.* 1 *c.* 2.

(*t*) *Hiſt. Eccleſ. l.* 12. *n.* 881.

I omit *Dempſter*'s other Authors, who were never heard of by any beſides himſelf; But it is ſomewhat ſtrange, that even ſuch as *Veremundus* and *Cornelius* ſhould never fall into any hands (that I can find) but thoſe of *Hector Boethius*; And that he ſhould never ſo much as mention *John Fordon*'s *Scoti-chronicon*. *Pits* confounds this Author with *John de Fourdam*, Confeſſor to our King *John*; and ſo places him *Anno Dom.* 1210. Wherein he is follow'd by the Learned (*u*) *Ger. Voſſius*. He was *Abbat of* Ford *in* Devonſhire, ſaith *Leland*, and he mentions no Hiſtorical Writings of his. But it is certain that *John Fordon*, who wrote the *Scoti-chronicon*, lived after this time, by the Authors he quotes (ſuch as the (*w*) *Poly-chronicon* of *Ranulphus Higden*, the *Polycraticon* of *Roger* of *Cheſter*, who both lived in the fourteenth Century.) *And* (*x*) *Maculloch*, who tranſcribed and inlarged it, lived, ſaith *Dempſter*, *Anno Dom.* 1480. For it appears by the Preface, *Debitor ſum fateor*, &c. That *John Fordon* (who is there called a *Presbyter*, and no *Monk*) *finiſhed no more than five Books of the* Scoti-chronicon; But left the Materials to make up the reſt; And that *Fordon*'s own Work was but lately done, before *Maculloch* undertook to finiſh and inlarge it, who profeſſes himſelf *a Diſciple of* Fordon's; And diſtinguiſhes his own *Additions* from *Fordon*'s Copy, by puting in the Margin *Scriptor & Autor*. But (*y*) *Dempſter* makes *Maculloch*, *Scoti-chronicon*, and *Fordon*, three ſeveral Authors, which is a Sign he never ſaw them. Mr. (*z*) *Camden* takes notice *how much the later* Scotiſh *Hiſtorians are beholding to* Fordon's *diligence*. And therefore out of him I ſhall give a ſhort Account of the *Scotiſh Antiquities*; And then ſhew how far *Major*, *Hector Boethius* and *Buchanan* differ from him: For *Leſly* doth very faithfully contract *Hector* where *Buchanan* was aſhamed to follow him; as will appear by what follows.

(*u*) *De Hiſt. Lat. l.* 2. *c.* 56.

(*w*) *Scoti-chron. l.* 3. *c.* 8. *l.* 1. *c.* 38.

(*x*) *Hiſt. Eccleſ. l.* 12. *n.* 911.

(*y*) *Appar. ad Hiſt. Scot. l.* 1. *c.* 2.

(*z*) *Brit. p.* 712.

There was, ſaith (*a*) *Fordon*, "One *Gaithelos*, Son of *Neolus*, one "of the Kings of *Greece*, who, having diſpleaſed his Father, was ba- "niſhed his Countrey, and went into *Egypt*, where he was married to "*Scota*, the King's Daughter. But he quotes another Chronicle,

(*a*) *Scoti-chron. l.* 1. *c.* 9.

" which ſaith, that he was ſent to the aſſiſtance of the King of *Egypt*,
" againſt the *Ethiopians*; who gave him his only Daughter *Scota* to
" Wife; And the *Legend* of St. *Brendan* to the ſame purpoſe; And
" another *Chronicle*, which makes him to be Grandchild to *Nimrod*,
" who was driven into *Egypt*, and there married this *Scota*. However
they differ in leſſer Circumſtances, they agree in the main Point; For
Scota he muſt have, or elſe the Name of *Scotia* would be quite loſt.
c. 12. " After the deſtruction of *Pharaoh* in the Red Sea, *Gaithelos* is choſen
" King; But, Diſcontents ariſing, he and his Wife *Scota*, with their
" Company, put to Sea, and made Weſtward; But, after many Dif-
" ficulties, they landed in *Spain*, where, after the Conqueſt of the In-
c. 14. " habitants, he built the City *Brigantia*; But, being wearied out with
" continual Wars, he ſent ſome of his Company to Sea to find out an
" *Iſland* without Inhabitants; upon diſcovery whereof they returned
c. 16. " to *Gaithelos*; Who ſoon after died, and charged his Children and
c. 17. " Friends to go thither; And accordingly his Sons, *Iber* and *Imec*,
c. 18. " went to take Poſſeſſion of this *Iſland*, which from him was called
" *Ibernia*, and from his Mother *Scotia*: *Which Name was after given
to part of* Britain; *Becauſe the Inhabitants of the other Iſland ſettled there*,
(ſaith *Macullоch*, in his Additions to *Fordon*) *as appears by the affini-*
c. 21. *ty of their Language and Cuſtoms, which*, ſaith he, *continues to this day*.
" In *Spain* ſome of that Race abode, ſaith *Fordon*, out of an *old Chro-*
c. 22. " *nicle*, 240 Years; Then aroſe a King, whom he calls *Micelius*,
" who had three Sons, *Hermonius*, *Partholomus* and *Hibertus*, whom
" he ſent into *Ireland* with a great Army; The eldeſt returned to
c. 27. " *Spain*; but the other two continued there. Afterwards *Simon Brek*
" with his Company made a third deſcent into *Ireland*, who ſprang
" from *Hermonius*, and carried along with him the *Marble Chair* in
" which their Kings were wont to ſit, and which *Gaithelos* brought
c. 29. " out of *Egypt*, as ſome think; but others ſay, *Simon* drew it up
" from the bottom of the Sea with an Anchor in a great Tempeſt,
" and therefore was preſerved as a precious Relict; And he took it as
" a Preſage of his Kingdom, which was to continue wherever that
" Stone was; as the Southſayers ſaid. From *Ireland*, *Ethachius Ro-*
c. 30. " *thay*, a Deſendent from *Simon Brek*, took poſſeſſion of the Iſland
" *Rothſay*; And many *Scots* aſſociated with the *Picts* in the Northern
c. 33. " Parts of *Britain*; But being hardly uſed, and having no Head, *Fer-*
" *gus*, the Son of *Ferchard*, or *Ferard*, being deſcended of the Royal
c. 37. " Family, went over, and took upon him the Government of them:
" Which, he ſaith, was before *Chriſt* 330 Years, in the time of *Alex-*
l. 2. c. 12. " *ander* the Great; who carried the *Fatal Chair* into *Scotland*, and was
" crowned in it. Some time after him ſucceeded *Rether*, whom *Bede*
" calls *Reuda*, who endeavour'd to inlarge the Borders of the *Scots* in
" thoſe Parts, and fixed himſelf in that which from him was called
c. 13. " *Retherdale*, but ſince *Rydiſdale*; And this he makes the *ſecond com-*
" *ing* of the *Scots* out of *Ireland*. After this, he tells how the Kings of
" the *Britains*, of the *Scots*, and the *Picts* lived very lovingly toge-
c. 14. " ther till *Julius Cæſar* diſturbed them all, who, he ſaith, went to the
" very Borders of *Scotland*; And there ſent Letters to the Kings,
" both of the *Scots* and *Picts*, who both returned Anſwers in *Latin*,
" although but the Chapter before he ſaith, *The very* Britains *had ne-*
" *ver heard of the Name of the* Romans. But it happen'd, That *Cæſar*,
" hearing of the Revolt of the *Gauls*, made a ſpeedy return out of thoſe

" Parts.

" Parts. Then he relates the bloody Wars of the *Scots* and *Picts* against c. 28.
" the *Britains*; and how *Fulgentius*, Head of the *Britains*, joined with 29.
" the *Picts* and *Scots* against *Severus*, and killed him at *York*: And so c. 36.
" proceeds in the Story of *Carausius* and *Maximus*, and their Wars with 37.
" the *Scots* and *Picts*, till he comes to *Fergus* II. With whom he be- 38.
" gins his *Third Book*; And between the two *Fergus's* he reckons
" *Forty five Kings*; But he confesses he cannot distinguish the times of
" their Reign; as he can do those from *Fergus* II. And he gives this l. 3. c. 1.
considerable Reason for it, *Nam ad plenum Scripta non reperimus, i. e.* He could not find any full Account of them in any *ancient Annals* or Records. And therefore it ought to be considerd from whence *Hector*, *Buchanan* and *Lesly* should be able to give such a particular Account of the Reigns of those Kings which were wholly unknown to *Fordon*. This is the short Account of what *Fordon* delivers about these *Remoter Antiquities* of the *Scots*.

(*b*) *Joh. Major* confesseth, *That the* Scots *were derived from the* Irish, *which*, he saith, *is plain by the Language*; For in his time, half the Nation spake *Irish*, and before that time, more. And so he tells the Story of their coming from *Spain*, of the City *Braganza*, of *Iberus* and his Mother *Scota*, and then repeats the Tradition of *Gaithelos*, as *Fordon* relates it; But very honestly saith, *That he looks on that part of it, about coming out of* Greece *and* Egypt *as a Fiction*; And very probably conjectures it was done, *because the* Britains *derived themselves from the* Trojans. Which was subtilly done of the *Scots* to claim Kindred rather with the *conquering Greeks*, than the subdued and banished *Trojans*. All that *Major* asserts is, *That the* Irish *came out of* Spain, *and the* Scots *out of* Ireland: And the Story of *Simon Brek* he rejects as a Fable: And he makes the first settling of the *Scots* in *Britain*, to be that under *Reuda*; But he mentions their *Annals* for *Fergus*, the Son of *Ferchard*, before *Reuda*; and *Rether* and *Ryddesdale*, as it is in *Fordon*. But he makes the Kingdoms of the *Picts*, *Scots* and *Britains* to be distinct in *Cæsar's* time; And that they all joined against him: And so relates *Fordon's* Story to the time of *Fergus* II. But between the two *Fergus's* he makes but 15 *Kings*, and 700 *Years*. (*b*) *De Gestis. Scot. l.* 1. *c.* 9. c. 11.

(*c*) *Hector Boethius*, before he begins the Tradition of *Gaithelos*, very ingeniously confesses, *that their Nation follow'd the Custom of other Nations, therein making themselves the Offspring of the* Greeks *and* Egyptians; And so he tells all the Story from *Gaithelos*, as *Fordon* has done, only here and there making *Additions* and Embellishments of his own; As when he derives the *Brigantes* from *Brigantia* in *Spain*; When he sets down the Deliberation about the *Form* of *Government* upon *Fergus* his coming to *Scotland*; And the Speeches of *Fergus* and the King of the *Picts*; The Death of *Coilus* King of the *Britains*; The entring the *fundamental Contract* of the *Scots*, with the Posterity of *Fergus* in *Marble Tables* in the way of *Hieroglyphicks*; The *Agrarian Law*, and *Partition* made by *Seven*, and the *Division* of the *Tribes*; The bringing the *Silures*, *Ordovices*, *Camelodunum*, as well as the *Brigantes*, within the Compass of *Scotland*; These are the proper Inventions of *Hector*, unless he had them from his Spaniard *Veremundus*, which no one could tell but himself; Thence *Leland* and (*d*) *Lluyd* charge him with innumerable Falshoods. (*e*) *Dempster* confesses, that *Buchanan frequently chastises him*; But he would have it rather on the *Account of Religion* than *Learning*: But it is plain, that he owns his Mistakes (*c*) *Hist. Scot. l.* 11 (*d*) *Mona Descrip. ad fin* (*e*) *Hist. Eccles. l.* 2. *n.* 175.

(f) Buch. *Hist. l. 2. ad fin.* stakes and (f) *Vanity*, only he charges *Lluyd* with as great on behalf of the *Britains*.

(g) *Scotichr. l. 2. c. 12.* In the Second Book *Hector* inlarges more. For (g) *Fordon* passeth on from *Fergus* to *Rether*, or *Bede's Reuda*, having nothing to say; But *Hector* acquaints us with the Contest about the Regency upon *Fergus* his Death, and the Law then made concerning it, the attempt of *Resignation* of *Feritharis*, to *Ferlegus*, the Son of *Fergus*, and his Imprisonment upon it; The Death of *Feritharis* after fifteen Years Reign; The Flight of *Ferlegus* into *Britain*, with the Choice of *Main*, his younger Brother, to be King; His good Government and Annual Progress for Justice through all Places of his Dominions; His appointing Circles of *great Stones* for *Temples*, and one in the middle for the Altar; And the Monthly Worship of the New Moon; And several *Egyptian Sacrifices* (which one would have thought had been more proper for *Gaithelos* himself) with the Succession of his Son *Dornadil*, his making the *Laws of Hunting*, which were still observed there; And of his Brother *Nothatus*, his Son *Reuther* being an Infant: Who came in by the *Law* of *Regency*, saith *Hector*; *By the Power of the People* saith *Buchanan*; but in truth by neither. For all this *Succession* seems to have been the product of *Hector's* fruitful Invention, which *Buchanan* follows without *Authority*; as he doth in all the rest of the *Succession* of that Race of Kings from *Reuther* to *Fergus* II.

To make way for *Bede's* Account of *Reuda's* coming into those Parts of *Britain*, This *Reuther* is forced back into *Ireland*; from whence he is said to return with new Supplies after twelve Years; From whom the *Scots* were then called *Dalreudini*: But this return of *Reuther*, *Hector* places in the Year before *Christ* 204. And after him *Reutha*, his Kinsman; In whose time, *Hector* relates an Embassy from *Ptolemy Philadelphus* to him; And the Account of *Scotland* which he began in a large *Volume* for his Satisfaction, which was after finished by *Ptolemy* the *Cosmographer*. This *Buchanan* had the Wit to leave out (and even (h) *Dempster* himself, though he mentions him for a Writer of their History) and so he doth the Voyage of the *two* Spanish *Philosophers* in the time of *Josina*, and their Preaching against the *Egyptian* Worship in *Scotland*; (but *Lesly* hath it.) And if *Buchanan* had believed it, he would have set it down, as well as *Josina's bringing Physick* and *Chirurgery* into so much request, That there was not a Noble Man that could not practise the latter. And yet *Hector* declares immediately after the Story of the *Philosophers*, that hitherto he had followed *Veremundus*, *John Campbell* and *Cornelius Hibernicus*, the most approved Authors of their History. It would have been some satisfaction to the World, if any other Person had seen these *Authors* besides; *Fordon* never mentions them; And yet he used great diligence to search their Antiquities; And, if (i) *Dempster* may be believed, had the Sight of their most ancient *MSS*. *Buchanan* passes them over; *Dempster* names them, on the authority of *Hector*: What became of these great Authors after *Hector's* time? Did he destroy them, as some say *Polydore Virgil* did some of ours after he had used them? But this were Madness, to quote their *Authority* and destroy the *Authors*; For these were his *Vouchers*; which ought most carefully to have been preserved. And in truth *Hector* himself gives no very consistent Account of his *Authors*: For in his *Epistle* to *James* 5. he mentions *Veremundus*, Archdeacon of St. *Andrew's*, who deduced the *Scotish History* from the *Original* to *Malcolm*

(h) *Hist. Eccles. l. 16. n. 1065.*

(i) *Appar. ad Hist. Scot. l. 1. c. 6.*

colm III. And *Turgott*, Biſhop of St. *Andrew*'s, and *John Campbell*, which were brought from the *Iſland Iona*; To whom he adds an *Anonymous Author*, and the imperfect *Hiſtory* of *William Elphinſton*, Biſhop of *Aberdeen*. But, ſaith he, *if any ask* ſuch a material Queſtion, *How came theſe Authors to be ſeen no where elſe?* He anſwers, *That* Edw. *I. deſtroy'd all their Monuments of Antiquity; So that had not thoſe been preſerved in the Iſland* Iona, *with the Cheſt of Books which* Fergus *II. brought from the ſacking of* Rome, *in the time of* Alaric, *They had been able to give no account of their Antiquities.* From whence it is evident that *Hector* never ſaw or heard of any ancient Authors of their Hiſtory, but ſuch as were conveyed to him from the *Iſland Iona*. But in his (*k*) Seventh Book, where he gives a more particular account of thoſe Books which were brought to him from thence, he only mentions ſome broken *Fragments* of *Latin Authors*; But whoſe they were, where Written, whence they came, he knew not; And, as to their own *Hiſtories*, he names indeed *Veremundus* and *Elphinſton*, and no more. The latter he ſaid before was *imperfect*, and lately done; So that the whole Credit of *Hector*'s *Antiquities* reſts entirely upon *Veremundus*; For here he never takes notice of *Campbell* or *Cornelius Hibernicus*; But he ſaith, *Edw.* I. *had deſtroy'd all their Antiquities, but ſuch as were preſerved in the Iſland* Iona *or* Hy. And is this now a good Foundation to build a Hiſtory upon? For is it not very ſtrange, that no one Copy of *Veremundus* ſhould be heard of ſince that time; When there were ſeveral of *Fordon*, not only there, but in our *Libraries*, ſome with the Inlargements and ſome without? But if our King *Edw.* I. *deſtroy'd all their ancient Hiſtories*, how came *Turgott*'s to be preſerved? He was Biſhop of St. *Andrew*'s in the time of *Malcolm* III. *and Queen* Margaret, *whoſe Lives he wrote*; *And whoſe Hiſtory, Hector* ſaith, *he had.* So that not only *Turgott*'s *Hiſtory* of the *Church* of *Durham* is preſerved in the *Cotton Library*, with his own Name written in an ancient Character (the ſame that is printed under the Name of *Simeon Dunelmenſis*, with ſome Alterations, as (*l*) Mr. *Selden* hath ſhew'd; But if *Hoveden* be ſo much to blame, as (*m*) *Leland* ſaith, *for concealing what he borrow'd from* Simeon Dunelmenſis, *Simeon* himſelf is at leaſt as much to blame for aſſuming to himſelf the proper work of *Turgott.*) But it ſeems *Hector* had ſeen what he wrote in relation to the *Scotiſh Hiſtory*: And *Bale* and *Pits* ſay, *he wrote of the Kings of* Scotland. But *Dempſter* ſaith, *he wrote only the Annals of his own time, i. e.* I ſuppoſe, *the Lives of* Malcolm *and* Margaret: If ſo, *Hector* mentions him to little purpoſe, with reſpect to the *Scotiſh Antiquities*. But however, from the forementioned Authors, *Hector* pretends to give an Account of the *Inſtitution* of the *Great Council* by *Finannus*, of the Order of the *Druids*, and their *Chief Seat* in the *Iſland Mona*, (which he would have to be the *Iſle of Man*, to the great regret of *Humphrey Lluyd*, who hath written a Book on purpoſe to diſprove him and *Polydore Virgil* about it.) Of the Tyranny and violent Death of King *Durſtus*; Of the choice of *Euenus* his Kinſman to ſucceed him, and his firſt requiring an *Oath of Allegiance*; Of the Diſturbances by *Gillus* his natural Son, and his flying into *Ireland*: And his Death by *Cadallus*; And *Euenus* his ſetting up *Edecus*, the Grandchild of *Durſtus*; with which he ends his Second Book.

(*k*) *L.* 7. *p.* 118.

(*l*) *Præfat. ad* 10. *Script.*

(*m*) Leland. *de Script. in* Simeon.

In his Third Book he gives an Account of the Troubles from *Ireland* by *Bredius*, a Kinſman of *Gillus*; Of *Caſſibellan*'s Meſſage to *Ederus* for

for Assistance against *Julius Cæsar*: And the Speech of *Androgeus* before the *Council*: and *Ederus* his Answer, and sending 10000 Men under the Command of *Cadallanus*, Son to *Cadallus*; Who, with the *British* Forces, quite overthrew *Cæsar*, by the help of *Tenantius*, Duke of the *Cambri* and *Corinei*; for which, as we may easily conceive, there was wonderful rejoicing in *Scotland*: And great Friendship upon it, between the *Britains*, the *Picts* and the *Scots*. But next Summer they hear the sad News of *Cæsar*'s coming again; And then the *Britains* refused the *Scots* assistance (and it is easie to imagine what must follow) *the poor* Britains *were miserably beaten*; And *Cassibellan* yields himself to *Cæsar*, and *Cæsar* marches towards *Scotland*; but before he enters it, he sends a more Eloquent Letter to them than that in *Fordon*; And the *Scots* and *Picts* returned a resolute Answer. But it seems *Cæsar* had so much good Nature in him as to send a *Second Message* to the *Scots*, which was deliver'd with great Eloquence, but it did not work upon them; For, saith *Hector*, *had it not been for the Law of Nations, they had torn the Messengers to pieces*. But it happen'd luckily, that while *Cæsar* was making Preparations to enter *Scotland*, he received Letters from *Labienus* of the Revolt of the *Gauls*; upon which *Cæsar* returns, having scarce so much as frightned the *Picts* and the *Scots*. And here again *Hector* vouches the Authority of *Veremundus* and *Campbel*; But notwithstanding, *Buchanan* very wisely leaves all this out, which *Lesly*, believing *Veremundus*, or rather *Hector* before *Cæsar*, keeps in. But here *Hector* becomes very nice and critical, rejecting the *vulgar Annals* (which it seems were not destroy'd by *Edw.* I.) which say, *that* Cæsar *went as far as the* Caledonian *Wood, and besieged* Camelodunum, *and left there his Pretorian House* which he used to travel with, called *Julis Hoff*. But for his part, he would write nothing that might be found fault with, and therefore he follows *Veremundus* again, *That this was the Temple of Victory, built by* Vespasian, *not far from* Camelodunum; *Only the Inscription was defaced by* Edw. I. *Buchanan* in the Life of King *Donald* saith, *This was the Temple of the God* Terminus: *being near the* Roman *Wall*. It was a round Building, made of square Stones, and open only at the top 24 Cubits in height, 13 in breadth, as (*n*) *Camden* describes it. (*o*) *Nennius* saith, It was built by *Carausius*, in token of his *Triumph*. But this looks no more like a *Triumphal Arch*, than *Cæsar*'s *travelling Palace*: And therefore *Buchanan*'s opinion seems most probable, since *Hector* saith, *That there was within it a Stone of great magnitude*, which was the Representation of the God *Terminus*, especially, if the *hole in the top* were over the *Stone*, as it was in the *Capitol* at *Rome*. Then follow the wicked Life and tragical End of *Eugenus* III. the good Reign of *Metallanus*, and his Friendship with *Augustus*, which he goes about to prove from *Strabo*: But he had better kept to *Veremundus*. After him succeeded *Caratacus*, born at *Caractonium*, a City of the *Silures*, saith *Hector*, and that he might be sure to confound all, he saith, his Sister *Voada* was married to *Arviragus*, King of the *Britains*; But he divorced her, and married *Genissa*, a Noble *Roman*; upon which *Caratacus* joined the *Britains* against the *Romans*, and was at last beaten by them, and betrayed by *Cartumandua*, his Mother-in-law, who, after his Father's death, was married to *Venusius*, and was by *Ostorius* carried in *Triumph* to *Rome*, from whence, he saith, he returned to *Scotland*, and remained to his death a Friend to the *Romans*; After *Caratacus*, *Corbred* his Brother was chosen King; who joined

(*n*) *Brit.* p. 700.
(*o*) Nenn. c. 19.

joined with *Voada* againſt the *Romans*; And partaking of her misfortune returned into *Scotland*, and there died. His Sons being under Age, *Dardannus* ſucceeded; Who deſigning to deſtroy the right Heirs of the Crown, was himſelf taken off: And thereby Way was made for *Galdus* the true Heir to ſucceed; Who was the ſame, ſaith *Hector*, with *Tacitus* his *Galgacus*; and he confeſſes, was beaten by *Petilius Cerealis*. This King, *Buchanan* thinks, was the firſt of their Kings who fought with the *Romans*. What becomes then of the Credit of *Hector* and *Veremundus*, from whom we have ſuch ample Narrations of their engaging with the *Romans* ſo long before? From hence it is plain that *Veremundus* his *Authority* ſignified nothing with him; And yet he follows *Hector* where he profeſſes to rely upon his Authority. For *Buchanan* evidently abridges *Hector* as to the *Scotiſh* Affairs, leaving out what he found inconſiſtent with the *Roman Hiſtory*.

Hector begins his Fifth Book with the ſhort Reign and doleful End of *Luctacus*, *Galdus* his Son; who was ſucceeded by *Mogallus*, his Siſter's Son; who continued for ſome time a brave Prince, but at laſt degenerating, was killed by his Subjects. After him *Conarus* his Son, who was confined for ill management, and the Government committed to *Argadus*; Upon his death the Kingdom fell to *Ethodius*, Nephew to *Mogallus*, who was ſtrangled in his Bed by an *Iriſh Harper*: And ſo was *Satrael* that ſucceeded him, by thoſe of his Bed-chamber. Theſe are ſad Stories, if they were true, but the comfort is, there appears yet no better Authority than that of *Hector* for them. For *Fordon* hath nothing of all this; And *Buchanan* and *Leſly* take them upon *Hector*'s Credit. They ſerved *Buchanan*'s purpoſe well enough, as appears by his Book *De jure Regni apud* Scotos; And therefore he was willing to let them ſtand in Hiſtory, being none of his Invention, and knowing what uſe was to be made of them. *Donaldus*, Brother to *Ethodius*, was choſen in his room, and here *Hector* falls in with *Fordon* about *Fulgentius*, one of the Royal *Britiſh* Race, who revolted from the *Romans*, which *Fordon* had from *Geoffrey* of *Monmouth*, who calls him *Fulgenius*, and ſaith, he was driven with the *Britains* into *Albany*: But after, in a Fight with *Severus* at *York*, they were both killed. But in this *Hector* was aſhamed to follow them, allowing *Severus* to die a natural death, and *Fulgentius* to ſurvive him. As to *Donald*'s embracing Chriſtianity, he follows *Fordon*, but never quotes him; And here he never mentions *Veremundus*; As though ſo conſiderable a Point of Hiſtory needed no Authority but his own. He concludes this Book with a brief Account of *Ethodius*, Son to the former, who for his ill Government was confined by his Nobles and killed by his Guards.

In the Sixth Book he begins with a *Convention* of the *Eſtates* for the choice of a new King. And they ſet up his Son *Athirco*, who gave great hopes at firſt, but falling into Debauchery, his Nobles combined againſt him, and finding no way to eſcape, he killed himſelf. *Nathalacus*, Head of the conſpiracy ſucceeds, who was for a time Popular, afterwards Cruel, to that degree, as raiſed a general hatred of him, which ended in a Deſign to deſtroy him; Wherein they were prevented by one of his greateſt Confidents, who ſtabbed him. Then *Findocus*, eldeſt Son to *Athirco*, recover'd the Crown, who proved an excellent Prince, but was at laſt murthered by two Villains, his Brother *Carantius* being privy to it: The Murtherers were executed, but *Carantius*

fled, and was afterwards a great Souldier under *Probus*, *Carus* and *Diocleſian*. This *Carantius* is the ſame whom the *Roman* Writers call *Carauſius*, as *Hector* afterwards confeſſes, who ſet up for himſelf in *Britain*; But, ſaith he, he purpoſely diſguiſed himſelf abroad. *Geoffrey* of *Monmouth* makes him a *Britain*, and calls him *Caraſſius*. (p) *Fordon* tells the main of the Story of *Carauſius* well enough; only inlarging on the Leagues he made with the *Scots* and *Picts*; And *Gothorius*, Nephew to *Fulgentius*, who ruled over the Northern *Britains*. But whence had *Hector* this Information, That he was *Carantius*, Son to *Athirco*, and Brother to *Findocus*? *Buchanan* is not aſhamed to relate the Story of *Carantius* as far as to his paſſing into the *Roman Army*, and there ſtops. But afterwards he ſpeaks of *Carauſius* his Actions in *Britain*, without any farther mention of *Carantius*; Which ſhews that *Buchanan* took, and left what he pleaſed out of *Hector*'s Hiſtory without being obliged by any Authority he produced to carry it on as he found it there.

(p) *Scotichron. l. 2. c. 44.*

After the Death of *Findocus*, his Brother *Donal* ſucceeded, who was ſoon killed by *Donald* of the *Iſles*, who uſurped the Kingdom, and was at laſt killed by a Conſpiracy whereof *Crathlintus*, Son to *Findocus* was the chief; Who immediately took poſſeſſion of the Crown: After him ſucceeded *Fincormachus*; both theſe died peaceably. Then aroſe a mighty Conteſt about the *Regency* between the three Nephews of *Crathlintus*; At firſt *Romachus* prevailed, but Governing cruelly, he was taken off: Then follow'd *Anguſianus*, who was killed in Battel by the *Picts*, After him *Fethelmachus*, killed in his Bed by his Harper; And laſt of all *Eugenius*, killed in Battel by the *Romans*: And ſoon after, by the Inſtigation of the *Picts* their mortal Enemies, the *Scots* were univerſally baniſhed out of *Britain* by order of *Maximus* the *Roman General*; whither they returned not till about forty years after, under *Fergus* II. And in this, as to the main part of this laſt Tragedy, *Fordon* agrees with *Hector*, *viz.* That it was occaſion'd by the *Romans* joining with the *Picts* againſt the *Scots*, in the time of *Eugenius*, who were not only beaten by them, but driven out of *Britain* into *Ireland*, and *Norway*, and other Countries.

This is the Subſtance of what theſe *Scotiſh Antiquaries* deliver concerning their remoteſt *Antiquities* to the time of *Fergus* II.

But ſeveral Arguments are of late produced to juſtifie the *Hiſtory* of *Scotland*, as it is delivered by *Hector Boethius* out of *Veremundus* and his other Authors; which muſt be briefly conſidered, before I proceed to the *Iriſh Antiquities*. And it is alledg'd, that the *Scotiſh Antiquities*, as delivered by him (for it is concerning *Hector*'s Authority which I diſpute) *have been received with great Applauſe for many hundreds of years, by all Hiſtorians, Antiquaries and Criticks of other Nations, who had any occaſion to mention their Affairs.* It will go a great way with me, if it be made appear, that there was any ſuch account received among *Learned Antiquaries* in any part of the World before *Hector's* time. But I cannot find any one Antiquary, no not in *Scotland*, before his time, who gives the ſame Account that *Hector* doth. *The Tradition of the* Scots *peopling that part of the Iſland long before* Fergus II. I grant was a much *elder Tradition*, and is embraced by *Fordon*, and probably others before him. But *Fordon* doth not own the *Succeſſion* of the ſame number of Kings, and in ſuch a manner as *Hector* delivers them. From whence then came *Hector* to know ſo much more than *Fordon* in

theſe

theſe matters? I yield *that there was ſome ancient* Chronica *before* Fordon, *which he often quotes.* But ſtill the Argument is the ſtronger againſt *Hector.* For if *Fordon* had all thoſe *Helps*, and yet knew nothing of thoſe particulars, it is a vehement Preſumption againſt *Hector*, that he took too much Liberty in thoſe many particulars, which *Fordon* paſſed over, as having nothing to ſay about them. *The more Copies they have of* Fordon *in their Monaſteries*, the more eaſily they may be convinced, how little *Hector* and he agree about the *firſt Succeſſion* between the *Fergus's*. And *if* Fordon *did agree with all their Annals*, as it now pleaded, *Hector Boethius* could not, becauſe they differ ſo much from each other; as will appear to any one that compares them. Why do we not read in *Fordon* the Authorities of *Veremundus* and *Cornelius Hibernicus*, who were certainly before his time, if ever? For we are told, *that he was Archdeacon of St.* Andrew's, *An. Dom.* 1076. *and dedicated his Book to* Malcolm Canmore; which was long enough before *Fordon*'s time. But it is ſaid, *that he is cited in a particular part of* Fordon's *Book*; *which could not be copied from* Boethius. It had been a much clearer Evidence, if that Place had been produced; for then we might have conſider'd whether it was a Paſſage of *Fordon*, or of one of thoſe ſeveral Writers who it ſeems wrote *Additions* and *Continuations* to him; ſuch, as beſides *Maculloch*, *Arelat* and *Walter Bowmaker* are ſaid to have been, *who continued the Hiſtories to the Reign of* James II. And yet I would be glad to ſee any Teſtimony of *Veremundus* of that Antiquity. As to the Teſtimony of *Chambers*, who ſaith, *he had theſe principal Authors*, Veremund, *a Spaniard*, Turgott, Swinton, Campbel, *&c.* till ſome farther Proof be produced, I have reaſon to ſuppoſe, it was the ſame Caſe as to him with that of Sir *R. Baker*, which immediately follows; For we are told, *that he likewiſe quotes this* Veremund *among the Authors out of whom he compiled his Hiſtory, and likewiſe* Campbel *and* Turgott. And if we have no more ground to believe that *Chambers* had them, than Sir *R. Baker*, the matter muſt remain in as much obſcurity as before. For no one imagines that Sir *R. Baker* had all thoſe Authors by him which he there mentions; but he ſets down the Names of thoſe whoſe Authorities he relied upon, although he found them quoted by others. And he is not the only perſon in the World who hath cited the Authority of Books which he never ſaw; The ſame is to be ſaid of *Hollinſhed.* But if ſuch kind of Proofs muſt paſs for *evident Demonſtrations, that the* Scots *had ſuch Hiſtorians as* Veremundus *and the others before mentioned*; I wonder the ſame Learned Author ſhould ſhrink ſo much the *Faith of Hiſtory* as to allow that deſpicable thing, called *Moral Certainty, to be a ſufficient Probation for it*; For ſcarce any Hiſtory can be mention'd, but may have ſuch kind of *evident Demonſtrations* to prove it. Well, *but* Balæus, *a Learned Engliſh-man, and* Geſner, *and other famous Strangers, quote* Veremundus. But ſo do not *Boſton* of *Bury*, nor *Leland*, who had written of the *Britiſh* and other Writers before the time of *Hector Boethius.* And thoſe were Men who ſearched all our Libraries for the ancient Books in them, and have digeſted them with great Care; and *if* Veremundus *with other MSS. were brought into* England *by* Edw. I. as is now ſuggeſted, it could hardly have eſcaped the diligence of thoſe Men. But thoſe who lived after *Hector Boethius* publiſhed his Hiſtory, took his word for *Veremundus*, and entred him into their Catalogues; as *Voſſius* hath done many whom he never ſaw. *But* Eraſmus *ſaith that* Hector *was a Perſon who*

could not lye. That was more than *Eraſmus* could know, unleſs he had been by when he wrote his Hiſtory and compared it with the Authors he pretended to follow. As to *Paulus Jovius*, he was a fit Second to *Boethius*; but I am ſure *Eraſmus* would not have ſaid of him, *that he could not lye.* For *Hector*'s *pretending to have his Books from the Iſland* Iona, I have given an Account of it already, and ſhew'd how inconſiſtent his own relation thereof is. But all this while, *Where is the great Applauſe of theſe* Scotiſh *Antiquities for many hundreds of years by all Hiſtorians, Antiquaries and Criticks of foreign Nations?* When not ſo much as one is produced, who lived before *Hector Boethius*, and, I think, that was not *many hundred years* ſince.

But whatever becomes of *Veremundus*, we are told, *That the Black-book of* Scoon, *containing the* Scotiſh *Hiſtories from the beginning, was among Preſident* Spotſwood's *Books, and given to* Lambert, *and by him to Colonel* Fairfax. All this, I am afraid, is a great miſtake for a *Black-book* of *Fordon*'s, which was brought out of *Scotland* and preſented to the late King by a Gentleman of that Name, as ſome yet living can atteſt. But no ſuch thing as the *Black-book of Scoon* was ever heard of here; and if any ſuch could be found, we ſhould be ſo far from ſuppreſſing any thing that tended to the *Glory* of the *Scotiſh Nation*, that ſome here would be very glad to publiſh it, with all other ancient Annals which themſelves would think fit to be printed; whether it be the *Black-book* of *Paſley*, *Pluſcardin*, or any others. We do not deny that they had any ancient Annals or Regiſters in their Monaſteries; but we deſire to be better acquainted with them; and it is no good Argument, they can tell us where to find them, that they are ſo careful to let us know how they came to loſe them.

But, after all this Fencing, it is poſitively ſaid, *that the ſureſt foundation of all Hiſtory is the common belief and conſent of the Natives.* But what if the Natives of ſeveral Countries differ from each other? It may be reaſonable to believe neither, but it is not poſſible to believe both. What if they had for a long time no certain way of conveying their Hiſtories from one Age to another? It is poſſible *Oral Tradition* may preſerve ſome general ſtrokes of the ancient Hiſtory of a Country; but it is hardly credible, that ſo many particulars as *Boethius* hath in the firſt Race of Kings could be kept ſo diſtinctly by the force of Tradition. *The caſe of the old World* is vaſtly different from any other People ſince the ſhortning of Mens Lives; and whatever Nation wanted Records, could never make out the Credibility of their Hiſtory to other People. We do not deny the *Annals of the* Jewiſh *or* Roman *Prieſts*; but we think *Annals* and *Oral Tradition* are two things; when *Annals* are produced, we muſt weigh and conſider them, and compare the *Annals* of ſeveral Nations together, that we may better judge which are to be relied upon.

And yet we are told again, *that when Hiſtories are formed out of ancient Records, there is no farther need to produce them; for Papers may be loſt by accident, but the Hiſtories taken out of them are to be believed, although the Records cannot be found; as it is in reſpect of the Hiſtories of* Rome *and* Greece, *whoſe Authority remains, although the Teſtimonies on which they relied are not extant.*

So that at laſt *Geoffrey* of *Monmouth* muſt be believed as to the *Britiſh Antiquities*, as well as *Hector Boethius* as to the *Scotiſh.* For *Geoffrey* doth no more pretend to invent his Hiſtory than *Hector:* and

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Hunibaldus is as good an Author as either of them; and *Keting* as good as *Hunibaldus*. For they all equally pretend to derive their Hiſtories from *ancient Records* and the *Tradition* of the *Natives*; and all theſe having formed their Hiſtories out of theſe ſubſtantial Grounds, we are to ſearch no farther; but to believe them all however improbable in themſelves, and contradictious to one another.

The caſe is very different as to the Learned *Greek* and *Roman Hiſtories*, from thoſe of the modern barbarous Nations; which were plainly made in imitation of them, as will appear afterwards. And as to the *Greeks* and *Romans*, there is a conſiderable difference to be made between the *Hiſtories* that related to the times before they had written Annals and after. Can any Man imagine that there is as great reaſon to believe the firſt Accounts of *Greece* as thoſe that were written after the *Peloponneſian War?* Or, that the *firſt beginnings* of the *Roman Monarchy* by *Romulus* are delivered with as much certainty as the *Carthaginian War?* The moſt judicious Writers among the *Greeks* and *Romans* did make allowance for the *Obſcurity* of *ancient Times*, when many things were utterly loſt, and others very imperfectly delivered: What Reproach then is it to any modern Nations to ſuppoſe their *Hiſtories* to have had the ſame Fate the *Greeks* and *Romans* had? Only in this reſpect they are liable to greater Diſpute, becauſe they pretend to give an exact Account of thoſe times before they had any *Annals* or written *Records*; and in this Caſe, the more exact and particular the more ſuſpicious. And we have more certain Rules of trying their ancient Hiſtories, than the *Greeks* and *Romans* had; becauſe we have the Accounts of ſeveral *Nations* to compare together; and undoubted *Teſtimonies* of other Writers to examine them by. And if they be not found faulty by ſome of theſe ways, we are contented to let them paſs.

But as to the *Scotiſh Antiquities*, we not only object the want of ſufficient *Antiquity* in their written *Records*, but their Inconſiſtency with approved Writers, in the moſt ancient Account they give of the firſt ſettling of the *Scots* ſo early in *Britain*. And which yet adds more to the Suſpicion, the *Iriſh*, from whom they deſcend, give a far more different Account of their firſt coming than themſelves do; as will appear by what follows.

For, The *Iriſh Antiquaries* will by no means allow the Account given by *Hector Boethius*; And ſay, *He had not regard to Truth in the Writing of it*; Particularly, as to *Simon Brek*'s coming out of *Spain*, and bringing *the fatal Chair* with him, which they ſay are both falſe, and the main ground they inſiſt upon is, That they are contrary to the Relation of the (*q*) *Old Iriſh Antiquaries* who deſerve far more Credit.

I ſhall therefore ſet down the Account they give, and conſider the Credit they deſerve.

The beſt Account we have from (*r*) them is this;

(1.) *That* Ireland *was firſt planted after the Flood, by one* Ciocal, *with a Fleet, wherein every Veſſel had fifty Men and fifty Women*; *And this*, *Keting* ſaith, *happen'd about* 100 *Years after the Deluge*. But ſince ſuch remote *Antiquities* are very tender things, I ſhall not with a Beſom ſweep them all away at once, but gently take them in Pieces, and lay them open as I paſs along. Now I deſire to know what Foundation there is for our believing a thing ſo unlikely, as the *Peopling* of *Ireland* in this manner

(*q*) Cambrenſis *everſus per* Grat. Lucian. *c.* 8. *p.* 61.

(*r*) Proſpect of *Ireland* by *P. W. p.* 6.

manner, with such a Fleet, so soon after the Flood? It was a long time after this before the *Phœnicians* had any Skill in Shipping; to whom the *Romans* attributed the Invention of it. And certainly the Expedition of the *Argonautæ* had not made such a noise among the *Greeks* so long after the *Flood* (but twenty Years before the Destruction of *Troy*, as (*s*) *Scaliger* saith, which happen'd in the time of the *Judges*) if the Skill in Shipping had been so great within 100 Years after it? Yet, if that Expedition were such as (*t*) *Olaus Rudbeck* describes it, it was far more considerable than is commonly thought. For he saith, They not only entred the *Euxine Sea*, but he proves from *Orpheus* and *Diodorus Siculus*, that they sailed up the *Tanais*, from whence *Hornius* in his Map saith, They went into the *Mare Cronium*, and so came round *Egypt*, passing between *Britain* and *Ireland*, and returning home by the Straits. But *Rudbeck* finds a Passage for them from the *Tanais* to the *Volga*, and so to the Lake of *Fronoe*, the Head of the *Volga*, and then by *Rivers* into the *Baltick Sea*, and so about the *Scythian*-Promontory to *Irene* (*Ireland*) and *Peuceſſa* (*Britain*) and to *Ausonia* (*Italy*) and *Trinacria* (*Sicily*) and so home to *Iolcos*. If this were a mere Poetical Fancy, yet it was extraordinary, since it agrees with the exact Description of the *Northern Countries*, saith *Rudbeck*, far more than *Ptolemy* doth. I will suppose this *Orpheus*, who wrote the *Argonauticks*, to be neither the *Old Orpheus*, nor *Onomacritus*, but *Orpheus* of *Crotona*, to whom *Suidas* attributes the *Argonauticks*, who lived in the time of *Pisistratus*; yet it is very much for him then to describe these Parts of the World, as he doth; and to mention *Ireland* as a Country then known to the *Greeks*. And *Festus Avienus*, describing the Voyage of *Himilco* the *Carthaginian* (spoken of by (*u*) *Pliny*) speaks of *Ireland* as then esteemed *Sacred* in these remarkable Verses:

(*s*) *Animad. in Euseb. Chron. p.* 46.
(*t*) *Atlant. c.* 26.
(*u*) *L.* 2. *c.* 67.

Ast hinc duobus, in sacram, sic Insulam
Dixere prisci solibus cursus rati est
Hæc inter Undas multum cespitem jacit
Eámque latè Gens Hibernorum *colit*
Propinqua rursus Insula Albionum *patet.*

Nothing can be plainer, than that he here speaks of *Ireland* and *Britain*, as then known by *Himilco*; For *Festus Avienus* saith, *He took this Description from the* Phœnician *Annals, in which this Voyage was inserted.* And it is very strange to me that (*w*) *Olaus Rudbeck* should here change the *Hiberni* into *Hyperborei*, especially when he allows *Albion* to stand for *Britain*. But these are undoubted *Testimonies* of the ancient Peopling of *Ireland*: and of far greater Authority than those domestick Annals now so much extolled. But must we follow *Keting*, because he follows the old Annals in this Tradition of the first Peopling of *Ireland*? And why not then *in the Story of* Seth *and three Daughters of* Cain *viewing* Ireland? And of *the three Fishermen of* Spain *being Wind-driven thither the Year before the Flood*? And of *Keasar* the *Daughter of* Bajoth, *Son of* Noah, *coming thither with three Men and fifty Women, to save themselves from the Flood*? Are not all these fine Stories in the same *Irish Annals*? *But* Keting *rejects them*; And what then? Doth this make for or against the *Authority* of these *Annals*, that even *Keting* looks on these as *Poetical Fictions*? But he saith,

(*w*) *Atlantic. p.* 475.

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The beſt Iriſh *Antiquaries did of Old look on theſe as fabulous.* Poſſibly the two former they might; But do they indeed reject the Story of *Keaſar* and her *Companions?* (x) *Giraldus Cambrenſis* quotes the moſt *ancient Hiſtories* of *Ireland* for this Tradition; and they confirm it by *the Names of the Place where ſhe landed, and where ſhe was buried.* And (y) *Gratianus Lucius* confeſſes, that *he had the ſight of their ancient Annals*; and he ſuſpects that he made away many of them. If ſo, *Keting* had fewer advantages than *Giraldus* for the *Old* Iriſh *Antiquities.* But if theſe *Old Annals* be of ſo little Authority in this Story, What Credit do they deſerve in this early Plantation after the Flood? But to proceed in the *Iriſh* Account, It is ſaid,

(x) *Topogr. Hib. Diſt. 3. n. 1.*

(y) *Cambrenſis everſ. p. 40.*

(2.) *That* Bartholanus *and his three Sons, about three hundred Years after the Flood, landing in* Ireland *with a thouſand fighting Men, had many doughty Battels with the Poſterity of* Ciocal; *And at the end of three hundred Years they were all conſumed by a Peſtilence.*

This Story, I confeſs, is in (z) *Nennius*, and (a) *Giraldus Cambrenſis*; But it is a very obvious Queſtion, if they all died, How their Memory came to be preſerved, and even the memory of that Peſtilence which deſtroy'd them all? But to this *Giraldus* gives a very ſubſtantial Anſwer out of the ancient *Annals*, viz. *That only one* Ruanus *eſcaped, who lived to St.* Patrick's *days, and was baptized by him:* (in a good old Age certainly, for he muſt be born within ſix hundred Years after the Flood; And it was above four hundred and thirty Years after *Chriſt* before St. *Patrick* was deſigned for *Ireland.*) This *Ruanus*, ſay the *Iriſh* in *Giraldus*, was the true Relator of the *ancient Hiſtory of* Ireland *to St.* Patrick, and who can queſtion the Teſtimony of ſuch an authentick and truly ancient Witneſs? A late (b) *Iriſh* Antiquary ſaith, he continued ſo long by a *Pythagorean* Tranſmigration; but it was much he could retain theſe things in his Memory under all his Tranſmutations.

(z) Nenn. c. 6.

(a) Diſt. 3. c. 2.

(b) *Ogyg. Inſula. p. 4.*

But as to this *Bartholanus* (who is called by *Nennius*, *Bartholomeus*, but by *Geoffrey*, *Partholomeus*, by *Fordon*, *Partholomus*) we read in the (c) *Britiſh* Hiſtory, *That when* Gurguintus *returned from* Dacia, *he found* 30 *Ships near the* Orcades *full of Men and Women, and ſending to enquire who they were, their Commander,* (c) Bartholomeus, *ſaid, They were driven out of* Spain *to ſeek a Countrey to live in, and beg'd ſome part of* Britain, *for they had been a year and a half at Sea*; *But he ſent them into* Ireland, *then void of Inhabitants, which they planted, and there continued to this day.* It ſeems there was a *Tradition* in *Nennius* his time, *Anno Dom.* 830. *That* Ireland *was Peopled from* Spain; *And that one* Bartholonus, *or* Bartholomeus, *was the Leader of them*; But *Geoffrey* would not let them go thither without leave from the *Britains*; But *Nennius* hath nothing of it, and that part *concerning being a year and a half at Sea, Nennius* applies to *Nimech*, as he calls him, but the *Iriſh*, *Nimead*; and he ſaith, *after his abode in* Ireland, *he returned to* Spain. Then, *Nennius* ſaith, *Three Sons of a* Spaniard *came with thirty Veſſels, and thirty Women in each of them, who ſaw a Towr of Glaſs in the middle of the Sea, and Men upon it, who would give no Anſwer, wherefore they reſolved to aſſault it with all their Veſſels, except one, which was Shipwreck'd, having thirty Men, and as many Women, in it, all the reſt were ſunk in the Attempt of the Caſtle, and from thoſe thirty Men and thirty Women,* ſaith *Nennius, all* Ireland *was Peopled.* Here we ſee how far *Geoffrey* differs from *Nennius*; and alters the old *Traditions* as he thought fit. But

(c) *De Orig. & Geſtis Briton. l. 1. c. 20.*

(c) *De Orig. & Geſtis Briton. l. 1. c. 20.*

Nennius

Nennius goes on, and ſaith, *That more ſtill came from* Spain, *and the laſt was one whom he calls* Clamhochor, *and his Company.* But the Interpolator of *Nennius* (whether *Samuel Beulanus* or another) there obſerves, *That there is no certain Account of the Original of the* Scots; So the *Iriſh* were then called. But yet *Nennius* relates, from the *Iriſh Antiquaries*, the Story of the Noble *Scythian*, who was Son-in-law to *Pharaoh*, and his Expulſion out of *Egypt*, and coming at laſt to *Spain*, and thence to *Ireland* above a thouſand Years after the *Egyptians* were drowned in the Red Sea; And firſt ſettled in *Dalrieta*, which he underſtands of that Region in *Ireland*; But the *Scotiſh Antiquaries* apply it to the *Countrey* which had the ſame Name in *Scotland*. So that here we have very different Accounts, that were given ſo long ſince as the time of *Nennius*; and no way found then, to diſtinguiſh the true from the falſe, or the certain from the uncertain. But of that more afterwards. Now to go on to a farther Account from the *Iriſh* Authors, who ſay,

(3.) *That thirty Years after,* Nemedus, *another* Scythian, *with his four Sons, arrived in* Ireland *with a good Fleet, and fought with the remainder of the Giants, but by another Peſtilence were driven off, under the Conduct of three Captains,* Simeon Breac, Ibaath, *and* Briotan, *and the two former ſailing to* Greece; Briotan, *with his Adherents, landed in the North of* Britain, *now called* Scotland; *And by theſe, and their Poſterity remaining there, gave the Denomination of* Britain *to the whole Iſland.* And this we are told is affirmed by the *Holy* Cormach, *King of* Munſter *and Biſhop of* Caſhel, *in the* Pſalter *of* Caſhel. And all the Chronologers of *Ireland* agree with him. This *Pſalter* of *Caſhel* is one of the moſt authentick Hiſtories among them, and ſo called becauſe done in *Verſe*; And (*d*) it is ſaid, *That the more remote Antiquities in it were taken from another Book made* 1200 *Years ſince, collected out of all the former Chronicles of that Nation, and allowed in a ſolemn Convention of the Eſtates at* Tarach, *under* Laogerius, *in the time of St.* Patrick, *who was one of the Committee appointed for the ſuperviſing of it. And this Book was called the* Pſalter *of* Tarach.

(*d*) Proſpect of *Ireland*, p. 350.

p. 46.

This I confeſs goes much beyond what can be ſaid for *Geoffrey* of *Monmoth*, or *Hector Boethius*. But yet methinks there ſeem to be ſome Reaſons, why theſe *Annals* ſhould not have ſuch a mighty Authority with us. For we cannot be certain that there ever were ſuch *Annals*, or that theſe *Annals*, if they were ſo exactly drawn up, are ſtill preſerved. For not only (*e*) *Gratianus Lucius* complains for the loſs of their *old Annals*; But (*f*) *Jocelin*, in the Life of St. *Patrick*, concludes with ſaying, *that many of their Writings relating to him, were burnt by the fury of the Pagans while they governed in* Ireland. By theſe *Pagans* the *Danes* are meant, and *the Slavery under them is* (*g*) *ſaid to be worſe than* Egyptian, Circaſſian, *or any other mention'd in Hiſtory.* And particularly it is ſaid, *That the Clergy were baniſh'd into Bogs, Woods and Caves, where they were fain to lurk ſeveral Years like wild Beaſts; And that none were ſuffered to keep School, or to be taught any kind of Learning, not even in their own Houſes:* And which is yet more to the purpoſe, *None were ſuffer'd to have any kind of Book; But all Books the* Danes *could light upon, were either burnt, or taken away from them.* It is poſſible their *Annals* might eſcape ſuch a Storm as this, but it doth not ſeem altogether probable; Eſpecially conſidering, that this firſt *Slavery* under the *Danes* continued *Forty Years*, in which, they ſay, *all their famous*

(*e*) Cambrenſis *everſ.* p. 40.
(*f*) *Vita* Patricii, *c.* 196.
(*g*) Proſpect of *Ireland*, p. 139.

p. 141.

mous Monasteries, Cells, Universities, Colleges were destroyed, not one being left in the Land. And it is withal said, *That although other Losses might be recover'd, yet their Libraries were never recover'd. Only some few Religious Men preserved some of their Books.* But we have no assurance that the *old Annals* were among them. Or if they were then, That they could escape the *Second* Danish *Invasion*, which continued for a hundred and fifty Years. In which (*h*) *Colganus* saith, *The* Irish *Antiquities had an irrecoverable Loss, at least*, he saith, *not yet recover'd.* And yet he had *Cormach's Psalter*, or the *Psalter of Cashel*, *Tigernacus* his *Annals*, or the *Annals Cluanenses*, the *Annals Insulenses*, composed by one *Magraidin*, in the *Island* of *All-saints*, in the County of *Longford*, which he deduces to *Anno Dom.* 1405. The *Annals* of *Ulster*, by one *Maguir*, Canon of *Armach*, deduced to his own time, who died *Anno Dom.* 1498. And the *Annals* of *Dungall*, composed by four modern Authors out of all their former Annals; But among all these, there is nothing pretending to *Antiquity*, but the *Psalter* of *Cashel* and *Tigernacus*; yet the *Psalter* of *Cashel* falls short of the time of *Nennius*, for *Cormach*, King of *Munster*, the supposed Author of it, lived after the beginning of the 10*th Century*, being killed by *Flanmhac Siona* (called *Flannus Siuna* by (*i*) *Gratianus Lucius*) who died *Anno Dom.* 914. or as Sir *James* (*k*) *Ware* thinks, *Anno Dom.* 916. And for *Tigernacus* his *Annals*, the four *Magistri*, as *Colganus* calls them, or the *Annals* of *Dungall* are positive, that *Tigernacus ô Braion*, the *Author* of them, died (*l*) in the 11*th Century*, *Anno Dom.* 1088. There remains only the *Psaltuir Na-Ran*, written by *Aonghais Ceile de*, or by *Ænguſius*, one of the *Culdees*, who lived in the latter end of the 8*th Century*, as the same *Irish Antiquary* confesses, who withall saith, *That all the Works contained therein relate only to Matters of Piety and Devotion*, which therefore can signifie nothing to our purpose. So that nothing appears of the *Irish Antiquities* which can pretend to be written before the *Danish Invasion*; And although we are told, *that these Annals were taken out of others more ancient*; yet we have barely their Word for it; for those ancient *Annals*, whatever they were, are irrecoverably lost; So that there can be no comparison of one with the other. And how can they be so certain of the exactness used in the *Parliament* of *Tarach* to preserve their *Annals*, if there be no *ancient Annals* to preserve the Memory of the Proceedings at that time? It was a very extraordinary Care for the Estates of the whole Nation to preserve their *Annals*; if we could be assured of it: Which doth much exceed the *Library of Antiquities* which (*m*) *Suffridus Petrus* speaks of, set up, as he saith, by Friso, *the Founder of the* Frisians, *at* Staveta, *near the Temple of* Stavo, *in which not only the ancient Records were preserved from time to time*; *But the Pictures of the several Princes, with the times of their Reigns, from An.* 313. *before* Christ's *coming, to* Charlemagn's *time*; *The like whereof*, he saith, *no* German *Nation can boast of*; But yet methinks the Posterity of *Gaithelos* exceeds that of *Friso's* in the Care of Preserving their Antiquities; For the Wisdom of the whole Nation was concerned in it. But I never read of any who ever saw this *Library* of *Antiquities* at *Staveta*, but we must believe *Cappidus Staverensis* and *Occa Scarlensis*, as to these things; And that they saw the Records, as *Hector* did *Veremundus*, although none else ever did. But as to this *Parliament* of *Tarach*, which was careful to preserve the *Irish Antiquities*; Whence have we this Information? Are the *Acts* of that *Assembly* preserved? Are any

p. 146.
p. 150.
(*h*) *Acta. Sanct. Hibern. Præf. ad Lector.*
(*i*) Grat. Lucius Cambr. *everſ. p.* 78.
(*k*) *Antiq. Hibern. p.* 26.
(*l*) *Acta Sanct. Hibern. p.* 108. *p* 8. *p.* 579. 582.
(*m*) *De Orig. Frisi. l.* 3. *c.* 4.

Copies of those *Annals* still in being? *Yes*, we (*n*) are told, *that the keeping of the Original Book was entrusted by the Estates to the Prelates, and those Prelates, for its perpetual Preservation, caused several authentick Copies of it to be fairly engrossed, whereof some are extant to this day, and several more faithfully transcribed out of them; their Names being the Book of* Ardmach, *the* Psalter *of* Cashel, *&c.* It seems then, these are the *Transcripts* of the *Original Authentick Book*, allowed by all the Estates of the Kingdom. But the Book of *Ardmach* is a late thing, being the same with the *Annals* of *Ulster* composed by a Canon of *Ardmach*: So that the whole rests upon the *Psalter* of *Cashel*, which must be composed 500 Years after the meeting of that famous Assembly. For St. *Patrick* was one of the number, and it was done in the time of *Laogirius*, or *Leogarius*, King of *Ireland*, who died, saith (*o*) *Gratianus Lucius*, *Anno Dom.* 458. But King *Cormach* lived in the *10th Century*; And therefore an account must be given, how this *Original Book* or *Authentick Copies* were preserved for that 500 Years and more, in the miserable Condition that Nation was in, a great part of that time.

(*n*) Prospect of *Irel nd*, p. 47.

(*o*) Cambr. *everſ.* p. 73.

So that the Difference is not so great between the *Authority* of *Geoffrey* of *Monmouth* and these *Annals*, as is pretended. For I see no Reason why the Story of *Brutus* should be thought more incredible than that of *Ciocal*, *Bartholanus* and *Nemedus*, with his Son *Briotan* that gave the Name to *Britain*; And especially the Story of *Gaithelos* himself, his Marriage in *Egypt* to *Scota*, coming to *Spain*, and thence his Posterity to *Ireland*; which seems to me to be made in imitation of *Geoffrey*'s *Brutus*. For *Brutus* married *Pandrasus* his Daughter, the King of *Greece*, and then was forced to seek his Fortune at Sea, and passing by *Mauritania*, just as *Gaithelos* did, the one landed in *Gaul*, and came for *Albion*; And the other in *Spain*, and sent his Son for *Ireland*. And I wonder to find (*p*) *Brutus* his Giants in *Albion* of so much larger Proportions than the Giants in *Ireland*, who are said, *not to exceed the tallest growth of Men*; For I had thought *Giants* had been *Giants* in all Parts of the World. *Suppose some Learned Men have question'd, Whether there were such a Person as Brute*; I should think it no more Heresie, than to call in question, Whether there were such Persons as *Ciocal*, *Bartholanus*, *Briotan* or *Gaithelos*; If the silence of good Authors, the distance of Time, and want of *ancient Annals* complained of, makes the *History of Brutus* so hard to be believed, I only desire that these *Irish Traditions* may be examined by the same *Rules*, and then, I believe, the *Irish Antiquities* will be reduced to the same Form with the *British*; Only *Geoffrey* had not so lucky an Invention, as to have his *History* confirm'd by *Parliament*. For, if he had but thought of it, he could have made as general an *Assembly* of the *Estates at Lud*'s *Town*, and as select a *Committee* of *Nine*, as ever was at *Tarach*. But all Mens Inventions do not lie the same way; And in this, I confess, *Keting* or his Authors have very much exceeded *Geoffrey* and his *British MS.* And upon the whole matter I cannot see that the *Irish Chronologers* and *Historians* have so much more probability in their Story of *Briotan* than the *British Writers* had in the *Tradition* of *Brute*. For it is certain, it was not originally the Invention of *Geoffrey*, only he might use some art in setting it off, as he thought, with greater advantage than the *Britains* had done before him.

(*p*) Prospect of *Ireland*, p. 338. p. 7. p. 347.

But still we are referr'd *to the Authority of the* Irish *Monuments in the* Psalter *of* Cashel *written* 800 *years since by the holy* Cormach, *both King and*

and Biſhop of Munſter. Let us then, for once, examine one part of the Hiſtory taken from thence, and then leave the Reader to judge, whether it deſerves ſo much more Credit than the *Britiſh Antiquities*; And that ſhall be concerning the *Kingdom* of the *Picts*, becauſe we are told, (*q*) *This is the way to end the vexatious Queſtions about them, being taken out of the moſt authentick Records of* Ireland, *which are of ſuch irrefragable Authority, That ſome are perſuaded, had they been known to* Camden, *he would never have diſputed the matter.* And ſo I think too. But this irrefragable Authority is that of the *Pſalter of Caſhel*; From whence we are inſtructed in theſe Particulars: (1.) *That the* Picts *ſerved in* Thracia, *under one* Polycornus, *a King of that Country; where their General* Gud *took away the King's Life, to prevent an Attempt on his Daughter.* And did not *Brutus* ſerve King *Pandraſus* with his Army not far off in *Greece?* And methinks *Pandraſus* is as good a Name for a King of *Greece* as *Polycornus* for the King of *Thrace*. But where are either of them to be met with elſewhere? (2.) *That upon this the General and his Army fled the Country, roamed up and down at Sea till they came to* Gaul, *and there they founded the City of* Pictavia. This is juſt *Geoffrey*. For *Brutus* came to *Gaul* too, and there fought with *Groffarius*, King of the *Picts*, and founded the City of *Tours*, which had its Name from *Turonus*, *Brutus* his Nephew. (3.) *That upon the ſame Occaſion they were forced to leave* Gaul, *and to go for* Ireland, (as *Brutus* did for *Albion*) *where they were entertained, to fight with the* Britains; Who it ſeems made very early Invaſions upon *Ireland*, which ſtill agrees with *Geoffrey*'s Hiſtory. (4.) The Story of the Advice of *Troſdan*, *the* Pictiſh *Magician*, *for the* Iriſh *Army to bath in the Milk of* 150 *White, Crumple-horned Cows, as an effectual Antidote againſt the envenom'd Arrows of the* Britains, and the ſtrange Succeſs upon it, is hardly to be matched in *Geoffrey*. (5.) *That the* Picts, *growing inſolent, were forced by* Herimon *to retire to the Northern Parts of* Britain, *Only with three* Iriſh *Women*, whatever *Bede* ſaith of more; or, how differently ſoever he relates the whole Story of the *Picts*; For what is *Bede*'s, a poor *Monk*'s Authority, to King *Cormach*'s? (6.) *That from* Cathluan, *Son to* Gud, *there was a conſtant Succeſſion of Kings of the* Picts *in that Country*. But not more exact than the Succeſſion of *Britiſh* Kings from King *Brutus*. And now I leave the Reader to judge whether *Geoffrey* be not hardly dealt with, when ſuch Authors are prefer'd ſo much before him. We now return to the farther Account which the *Iriſh Antiquaries* give of their own *Antiquities*.

(q) Proſpect of *Ireland*, p. 490.

(4.) We are then to underſtand, that, beſides the Race deſcended from *Nemedus*, *there was another called* Clanna Gaoidhel, *or Poſterity of* Gaithelos; concerning whom theſe things are affirmed. (1.) *That he deſcended from* Niul, *a younger Son to* Feanuſa Farſa, *King of* Scythia, *who, travelling into* Egypt, *had a Country there given him by* Pharaoh Cingeris *called* Capacyront (I ſuppoſe in the old *Egyptian* Language) *who was married to* Pharaoh's *daughter called* Scota. Whereas the *Scotiſh Antiquaries* do peremptorily affirm, it was *Gaithelos* himſelf was married to her. But we ought not to forget, that *this* Scythian *King had a celebrated School on the Plain of* Sennaar, *and one* Gaodel, *being there employ'd to compoſe or refine the* Iriſh *Language, called from him* Gaodhelc *or* Gaodhlec. This is a Strain beyond *Geoffrey*, who never thought of bringing the *Britiſh* Language from the Plain of *Sennaar*. (2.) *That* Gaodhel's *Poſterity continued in* Egypt *till the time of his Grandchild*

p. 111. p. 324. p. 332.

Sruth, *and then being forced thence, they landed in* Creet, *where he died. And his Eldeſt Son* Eibhir Scot *went into* Scythia; *where one of his Deſcendents killed* Refloir, *the King of that Country, and was forced with his Company to the* Caſpian *Sea, and landed in an Iſland there* (juſt like *Geoffrey's Largecia*, where *Brutus* landed.) *But they went from thence to* Caronia, *another Iſland in the* Pontick, *and from thence to the North end of the* Riphean *Mountains*; (a pretty kind of Compaſs!) And here, inſtead of *Diana's Oracle to Brutus*, an old *Druyd* told them, *they ſhould never fix till they came to the Weſtern Iſland, and ſo they removed to* Gothia, *and in the eighth Generation, they went to* Spain. And doth not this exceed the Story of *Brute*, in the great Probability of it, which their lateſt (*r*) Antiquary knows not what to make of? It is certain whoever invented it, deſigned to go beyond the Author of the former. But this is not all; For we are told farther from the ſame Authentick *Iriſh Annals* (3.) *That* Calamb (called *Milead Eſpain* or *Mileſius the Spaniard*) *great Grandchild to* Bratha, *who brought them into* Spain, *went back into* Scythia: *and there ſerved as General under* Refloir, *King of the* Scythians; *From whence, upon Suſpicions, he fled into* Egypt, *and there married* Pharaoh's *Daughter called* Scota; *And at laſt returned to* Spain, *and there founded* Braganza: And here the *Scotiſh Antiquities* fall in. But is it not a little improbable to have the ſame Scene acted twice over? Two *Gaodel's*, two *Refloir's*, two *Scota's*, *twice paſſing to and fro after much the ſame manner?* We may well ſay, as our Author doth, *enough of theſe profound remote Antiquities.* For I ſhall not need now to add any thing *about the eight Sons of this* Mileſius *coming to* Ireland; And how the reſt being killed, the Country was divided between *Eibhir* and *Erimthon*; and the former being killed, the latter became the firſt *Monarch* of *Ireland*, from whom deſcended 181 *Monarchs* of this *Mileſian Race:* which muſt depend on the Credit of their *Annals*, of which I have already ſpoken.

(*r*) *Ogygia Inſul. p.* 8, 9.

p. 331.

p. 12.

p. 333.

But, in ſhort, to give the true Account of theſe *Fabulous Antiquities.* We are then to conſider, That when the *Northern Nations* began to have ſome ſmattering of the *Greek* and *Roman Learning*, they were never ſatisfied, till by one means or other, they could deduce their *Original* from ſome of the *Nations* moſt celebrated in ancient Books; Such were the *Trojans*, the *Greeks* and the *Egyptians.* As to the *Trojans*, the *Romans* themſelves had ſhewed the Way to other Nations. For there are conſiderable Arguments to prove that neither *Æneas*, nor *Aſcanius*, ever came into *Italy*; as may be ſeen in (*s*) *Dionyſius Halicarnaſſeus*, (*t*) *Strabo* and *Feſtus*, in the Word *Roma. Hellanicus*, in *Dionyſius*, ſaith, *That* Aſcanius (from whom *Brutus* is derived) *never left* Phrygia; *But only withdrew for a time to* Daſcylites, *near the Lake* (*from him called the* Aſcanian) *and afterwards returned to* Troy. *Strabo* ſaith, *That* Aſcanius *reigned at* Scepſis, *near the Ruins of* Troy, *and that his Poſterity continued there a long time after, with a Royal Title. Feſtus* ſhews, *that the old Authors were not agreed where* Æneas *was buried*; *Many were of Opinion, that he lay buried in the City* Berecinthia. And ſome in *Dionyſius* ſay, *he died in* Thrace, others in *Arcadia.* But the *Romans* making it ſo great a part of their Glory to be deſcended from the *Trojans*; Other *Nations* of *Europe*, upon the Diſſolution of the *Roman Empire*, would not ſeem to come behind them in this. So (*u*) *Hunibaldus* gives as formal an Account of the deſcent of the *Franks* from *Antenor*, and as good a *Succeſſion* of their Kings down from him; with

(*s*) Dionyſ. *l.* 1. *p.* 39.

(*t*) *Geogr. l.* 13.

(*u*) Trithem. *Comp. Hiſt. l.* 1.

with the particular Names of Persons, and the time of their Reigns, as either *Geoffrey* doth of the *British* Kings from *Brutus*; or *Hector* of the *Scots* from *Fergus*; or the *Irish Annals* from *Gaithelos* or *Herimon*. And that this is no late Invention appears from hence; That *Aimoinus*, *Ado Viennensis*, *Abbas Urspergensis*, *Rorico*, *Gaguinus*, *Æneas Silvius*, and others, agree with *Hunibaldus* in the *Substance* of his *Story*. And (w) *Vignier* mentions several *Diplomata* of the ancient Kings of the *Franks*, to prove the *Authentickness* of this *Tradition*. And it is less to be wonder'd at, that the *Britains* should pretend to be derived from the *Trojans* because of the mixture of the *Romans* and them together, while *Britain* continued so long a *Roman Province*. From whence I suppose the first *Occasion* was taken, which continued as a *Tradition* among the *Britains* for a long time before it was brought into such a *History* as we find in *Geoffrey*. That the *Tradition* it self was elder than his time is certain; For even those who despised *Geoffrey* embraced it, as appears by (x) *Giraldus Cambrensis*; And in the *Saxon* times this *Tradition* was known, as is evident by the *Saxon Poet*, mention'd by (y) *Abr. Wheloc*k; But *Nennius* his *MS.* puts it out of dispute, *That there was then a Tradition about the* Britains *coming from* Brute; but he could not tell what to make of this *Brute*; sometimes *he was* Brito *the Son of* Yscion, *the Son of* Alan, *of the Posterity of* Japhet: And for this he quotes *the* (z) *Tradition of his Ancestors*; But this being uncapable of much Improvement or Evidence, he then runs to *Brutus* the *Roman*; and sometimes it is *Brutus* the *Consul*; But that, not suiting so well, he then produces the Story of *Æneas*, and *Ascanius*, and *Silvius*, and the *Prediction* of the *Magician*, *that his Son should kill his Father and Mother*; *she died in Labour*, *and his Father was killed by him by chance*; *However he was banished from* Italy *into* Greece; *and from thence again banished*, *and so came into* Gaul, *and there built* Tours, *having its Name from one of his Companions*; *And from thence he came for* Britain, *which took its Name from him*, *and he filled it with his Progeny*, *which continue to this day*. So that here we have the Foundation of *Geoffrey*'s *History* laid long before his time; And *Nennius* his Account is mention'd by (a) *William* of *Malmesbury*, under the Name of *Gesta Britonum*; And follow'd by *Henry* of *Huntingdon*, and *Turgott*, or *Simeon Dunelmensis*; But when *Geoffrey*'s Book came abroad, it was so improved and adorned with Particulars, not elsewhere to be found, that the generality of the *Monkish Historians*, not only follow'd, but admir'd it, and pitied those that not had seen it, (as they supposed) as (b) *Ranulphus Cestrensis* doth *William* of *Malmesbury*; But there were some Cross grained Writers who called it an *Imposture* as *Gul. Newburgensis*; or *a Poetical Figment*, as *John Whethamsted*. But these were but few in Comparison with those who were better pleased with the Particulars of a Legend than the dryness of a true History.

But this humour was not peculiar to the *Franks* and *Britains*; For the *Saxons* derived (c) themselves from the *Macedonian* Army of *Alexander*, which had three Captains saith (d) *Suffridus Petrus Saxo*, *Friso* and *Bruno*; from whom are descended the *Saxons*, *Frisians* and those of *Brunswick*. And (e) *Abbas Stadensis* adds, *That not only the* Saxons, *but those of* Prussia, Rugia *and* Holstein *came from them*. (f) *Gobelinus Persona* relates the Particulars as exactly as *Geoffrey*, or *Hector*, or the *Irish Annals* do; how they were left on the *Caspian Mountains*, and wandred up and down just as *Brutus* and *Gaithelos* did, till they

(w) *De Origine Francor.*

(x) *Cambr. Descript. l. 2. c. 7.*

(y) *Not. in Bed. c. 1. p. 25.*

(z) Nenn. c. 13. c. 2, 3.

(a) *De Gestis Reg. l. 1. c. 1.*

(b) *Polychr. l. 1. c. 47, 48.*

(c) Witikind. *l. 1.*

(d) *De Origg. Fris. l. 2. c. 5.*

(e) *A. D. 917.*

(f) *Cosmodrom. at. 5. c. 11.*

(g) *Saxo Gram. l.* 1. (h) Matth. à Mich. *l.* 2. *c.* 8. *Orig. Pruſſ. n.* 7.

they ſettled in *Pruſſia*, *Rugen* and *Saxony*. The *Danes*, ſaith (g) *Dudo S. Quintin* derived themſelves from the *Danai*; The (h) *Pruſſians* from *Pruſias*, King of *Bithynia*, who brought the *Greeks* along with him. Only the *Scots* and *Iriſh* had the *Wit* to derive themſelves from the *Greeks* and *Egyptians* together.

We are now to ſit down and conſider, what is to be ſaid to all theſe glorious Pretences? Muſt they be all allowed for good and true Hiſtory? If not, what marks of diſtinction can we ſet between them? They all pretend to ſuch Founders as came afar off, wandred from place to place, conſulted Oracles, built Cities, founded Kingdoms, and drew their Succeſſion from many Ages; So that it ſeems unreaſonable to allow none but our own. And yet theſe *Antiquities* will hardly paſs any where, but with their own Nation; And hardly with thoſe of any Judgment in any of them. But when all this is ſaid, every one will believe as he pleaſes; But it is one thing to believe with the *Will*, and another with the *Underſtanding*.

To return now to the *Iriſh Antiquities*. And it only remains that we enquire, How the *Iriſh Antiquaries* give an Account of their *Nations* coming into the *Northern Parts* of *Britain*: And here is ſomething which deſerves Conſideration, *viz.* That they (*i*) charge the *Scotiſh Antiquaries with placing the time of* Fergus *I.* 819 *years before he landed in* Britain. *For*, ſay they, *the* Iriſh *Monuments fix on An. Dom.* 498. *as the time wherein* Fergus Mor *the Son of* Erch (whom the *Scotiſh Writers* call the Son of *Ferchard*) *with his five Brothers invaded the North of* Britain. To this purpoſe they produce the Teſtimony of *Tigernacus*, who in his Annals ſaith, Fergus Mor mhac Ercha *cum gente* Dalraida *partem* Britanniæ *tenuit*, *& ibi mortuus eſt*. This he writes about the beginning of Pope *Symmachus*, which was about ſix years after the death of St. *Patrick*, and very near the end of the fifth Century. Beſides another *Iriſh* Author who writes of the Kings of *Albany* who were contemporary with the Monarchs of *Ireland*, reckons twenty years between the Battel of *Ocha*, and the going of *the ſix Sons of* Erc into *Albany*: And the *Annals* of *Ulſter* place the Battel of *Ocha An. Dom.* 483. ſo that *Fergus* his coming into *Scotland* could not be before the beginning of the ſixth Century. (*k*) *Gratianus Lucius* ſaith, that the Battel of *Ocha*, wherein *Oiliol Molt*, the *Iriſh* Monarch, who ſucceeded *Leogarius* was killed, was *An. Dom.* 478. Which makes but five years difference. *Farther*, ſay they, *The* Scotiſh *Antiquaries make* Reuda *the ſixth King after* Fergus. Whereas it appears by their *Annals*, (*l*) That their Monarch *Conair* had *three Sons*, called the *three Cairbres*, and the third (*m*) was *Cairbre Riada*; from whom that part of *Britain* was called *Dal Riada*, or *Dal Reuda*; But *Conair* was killed *An. Dom.* 165. and therefore this (*n*) *Reuda* muſt be 300 years before *Fergus*. The *Old MS.* cited by (*o*) *Camden*, makes *Fergus* to be deſcended from *Conair*, with which as (*p*) *Archbiſhop Uſher* obſerves the *old* Iriſh *Genealogies* agree: But he ſaith, *Conair* reign'd *An. Dom.* 215. however, long enough before the time of *Fergus*. According to this ſuppoſition, that part of *Scotland* called *Dalrieta*, or *Dalreuda*, (the bounds whereof are deſcribed by the *Learned Primate*) was inhabited long before the coming of *Fergus*; and ſo agrees with what (*q*) *Bede* ſaith, *That the* Scots *came firſt out of* Ireland *under the conduct of* Reuda, *and either by force or Friendſhip found habitations for themſelves there, which they ſtill enjoy'd, and from their Leader to this time they were called* Dalreudi-

(i) Proſpect. of *Ireland*, *p.* 20. *p.* 367.

(k) Cambr. *everſ. p.* 73.

(l) Cambr. *everſ. p.* 69.

(m) Proſpect of *Ireland*, *p.* 370.

(n) *p.* 90.

(o) *Brit. p.* 707.

(p) Uſſer. *Prim. p.* 611. *p.* 612.

(q) Bede, *l.* 1. *c.* 1.

reudini; *Daal* ſignifyng *a ſhare in their Language.* This *Reuda* ſeems to be the ſame with *Cairbre Riada*, the third Son of *Conair*; And if *Fergus* were deſcended from the ſame *Conair*, it gives a probable Account of *Fergus* his coming afterwards into thoſe Parts; and taking the *Government* upon him. For (r) *Keting* ſaith, *That* Eochac Mumreamhar *of the Progeny of* Cairbre Redhfadac *or* Riada *had two Sons,* Earcha *and* Elchon; *And from the former the Families of* Dal Riada *in* Scotland *are deſcended*; *from the latter thoſe of* Dal Riada *in* Ulſter. Which muſt be underſtood of that part of the *Ulſter Dal-riadans*, which *Fergus* carried with him: For there were the Deſcendents from *Riada* in *Scotland* before, according to the former account. But the whole matter about the Reign of *Fergus* remains ſtill very obſcure. For (1.) It ſeems ſtrange that *Bede* takes no notice at all of him, which in all probability he would have done, as well as of *Reuda*, who was leſs conſiderable. (2.) (s) *Jocelin* in the Life of St. *Patrick* ſaith, *That* Fergus *was one of the twelve Sons of the King of* Dalredia, *and was excluded from his ſhare by his Brethren, of whom* St. *Patrick propheſied, That from him Kings ſhould riſe, who ſhould not only Reign at home, but in a foreign Countrey*; *After which*, ſaith he, Fergus *in no long time came to be King in his own Countrey*; *And from him ſprang* Eanus, *who ſubdued* Albany, *and other Iſlands, and whoſe Poſterity ſtill reigns there*; So that if *Jocelin*'s Authority be good, *Fergus* himſelf never came into *Scotland*; But the miſtake aroſe, becauſe he was King in *Dalrieda*; Which the *Scots* underſtood of their own, and thought they had Reaſon, becauſe the Poſterity of *Fergus* reigned there. (3.) (t) *Giraldus Cambrenſis*, who had a Sight of the *Iriſh Annals*, never mentions *Fergus*, but only ſaith, *That in the time of* Nellus *the Monarch of* Ireland, *ſix Sons of* Mured *King of* Ulſter *ſailed into the Northern Parts of* Britain, *and there planted themſelves, from whom the* Scotiſh *Nation is derived.* This *Nellus*, whom the *Iriſh* call *Niall the Great*, was killed, ſaith *Gratianus Lucius*, *Anno Dom.* 403. And if the Sons of the King of *Ulſter* came then over to plant and ſettle in *Scotland*, this muſt be 100 Years before the time of *Fergus*; and conſequently he could be none of that Number: And yet the (u) *Iriſh Annaliſts* make the *two* Fergus's, *the two* Ængus's, *and the two* Loarns, *to be the ſix Sons of* Muriedhach, *King of* Ulſter, *who came over to ſettle in* Scotland. But if *Giraldus* his Authority be allow'd, the *Scots* came not to ſettle in *Britain*, till the beginning of the *fifth Century*; And the *Monarchy* in the Poſterity of *Fergus*, according to *Jocelin*, could not be till towards the middle of the *ſixth Century.* And if *Edan*, King of the *Scots* in *Bede*'s Hiſtory, be the ſame with that *Edan* in *Jocelin*, who deſcended from *Fergus*, Then the *Scotiſh Kingdom* did not begin till the *ſeventh Century*, as appears by (w) *Bede.* But in matters of ſo much *Obſcurity* I determine nothing.

(r) Proſpect of *Ireland*, p. 93.

(s) *Vit. S. Patricii*, c. 137.

(t) *Topogr. Hib. Diſt.* 3. c. 16.

(u) Camb. *everſ.* p. 73. Proſpect of *Ireland*, p. 93.

(w) Bede, *l.* 1. c. 34.

But it is but Juſtice to conſider on the other ſide, what the *Scotiſh Antiquaries* do now plead for themſelves, to prove that they inhabited *Scotland* long before this time.

Firſt, They ſay, (x) Bede *mentions them as ancient Inhabitants of this Iſland before the coming of the* Romans; *and deſcribes the Wars between the* Picts, Scots *and* Britains *before that of the* Romans. It is very true, that *Bede*, in the beginning of his *Hiſtory*, doth ſet down the *ſeveral Nations* which inhabited *Britain*, and he names five, *Engliſh*, *Britains*, *Scots*, *Picts* and *Romans.* And among theſe he reckons the *Britains* firſt,

(x) Bede, *l.* 1. c. 1.

firſt, then the *Picts*, after them the *Scots* from *Ireland* under *Reuda*; and then adds, *That* Ireland *was the true Countrey of the* Scots, *who coming hither made a third Nation in* Britain, *beſides the* Britains *and* Picts, *and landed on the North Part of the* Frith, *towards* Ireland, *and there ſetled themſelves.* But *Bede* ſaith nothing at all of the time when the *Scots* came firſt from *Ireland*, and it is of no force, that he reckons them here before the War with the *Romans*; for, ſo he doth the *Engliſh* as well as the *Scots*: His buſineſs being to give an Account of the *preſent Inhabitants*, and not merely of the *Ancient. Hæc in præſenti* 5 *Gentium linguis*, &c. But where doth *Bede* ſay, *that the* Scots *were in* Britain *before the* Romans *coming hither?* I cannot find ſo much as an Intimation that way, unleſs it be in the *Title* of the Chapter, *Of the Situation of* Britain *and* Ireland, *and their ancient Inhabitants.* And doth not *Bede* ſpeak of the *Britains* as the *ancient Inhabitants* of this *Iſland* and the *Scots* of *Ireland?* But if all mention'd muſt be *ancient Inhabitants*, then ſo muſt the *Engliſh* and *Romans* be, as well as the *Picts* and *Scots.*

(y) L. 1. c. 5. *Well! But doth not* (y) Bede *afterwards ſay, That* Severus *his Wall was built againſt the unconquer'd Nations beyond it?* I grant it, if he had ſaid, *the* Scots *and* Picts *beyond it*, the Controverſie had been ended. But doth not *Dio* explain *Bede*, who expreſly tells us, *theſe Nations were the* Mæatæ *and the* Caledonii? Why not the *Picts* and the *Scots* if then in *Britain?* The latter *Roman* Writers never forbear calling them by their own Names, when they knew them to be here; as appears by *Eumenius*, *Claudian* and *Ammianus Marcellinus*: but to ſay the *Scots* were called *Mæatæ*, becauſe they came from the *Palus Mæotis*, will hardly go down in this Age. However it is confidently affirmed, *the* Caledonii *were the* Scots. Let this one thing be well proved, and I will yield the *Scots* were in *Britain* long before *Severus* his time; for *Tacitus* mentions the *Caledonians*. But it is to no more purpoſe to quote modern Writers, who call the *Caledonians Scots*, than *Lipſius* his calling *Galgacus* a *Scotiſh* King: for we are not bound to follow any modern Writers in their Improprieties. There is no Queſtion the *Caledonians* were known to *Flaccus* and *Martial* (who certainly lived not in *Auguſtus* his time, unleſs that Name be very improperly given by it ſelf to *Domitian* or *Trajan.*) But do any of theſe *Roman* Authors ever tell us the *Caledonians* were *Scots?* If not, to what end are the *Caledonians* ſo much ſpoken of? As far as we can find by *Tacitus*, or *Dio*, or any others, they were the *Northern Britains.* And if *Tacitus* had known that they came out of *Ireland*, and were a *diſtinct Nation*, he was ſo diligent and judicious a Writer, he would never have omitted the ſetting it down, when he gives ſo punctual an account of the *Original* of the ſeveral ſorts of *Britains*, according to his beſt Judgment and Information; and none could have better; relating ſome things concerning *Ireland*, from *Agricola*'s own Mouth, who was then the *Roman General* againſt the *Caledonians.* And he ſaith, Agricola *had one of the Kings of* Ireland *with him.* Suppoſe we then the *Caledonians* to have been *Scots* come out of *Ireland*; Is it poſſible, that an *Iriſh* King ſhould not be able to inform *Agricola* who theſe *Caledonians* were? Or, if *Tacitus* had known any ſuch thing, would he have ſaid, *the* Caledonians, *by the habit of their Bodies ſeemed to be of* German *Extraction*, when he derives the *Silures* from *Spain?* Had it not been as eaſie for him to have derived the *Caledonians* from *Spain* through *Ireland*, if any ſuch thing had been heard by

by him, as that the *Caledonians* were of *Ireland*, and came first out of *Spain* thither? But nothing can be more plain than that *Tacitus* took the *Caledonians* for *Britains*, and so doth *Galgacus*, in his excellent Speech, wherein he calls them, *the Noblest of the* Britains, and excites them to recover *the Liberty of the* Britains; and tells them, *they fought the same Cause with the other* Britains; *and now they were to shew what sort of Men* Caledonia *had reserved for their common defence.* Was *Tacitus* so inconsiderate a Writer to put such Words into *Galgacus* his Mouth, if he knew or suspected the *Caledonians* to be no *Britains*, but a *different Nation* come out of *Ireland* in the time that *Alexander* took *Babylon?* Had *Tacitus* known any thing of this, he would never have concealed it, when he values himself upon his Integrity, in relating what he could find about the Affairs of *Britain.* And therefore *Tacitus* his *Judgment* in this matter is to be much preferr'd before *Scaliger*'s Criticism about the *Scoto-brigantes*, or the *Scoticæ pruinæ* in *Spartian*'s Poet; or any such uncertain Conjectures. And yet the *Scoto-brigantes* might be *Irish*; where both *Scoti* and *Brigantes* were, and so it proves nothing, as to *Britain*; for *Claudius* conquer'd *Ireland* as much as *Scotland.*

But it is more plausibly urged, *That* (z) Bede *speaking of the* Scots *being a transmarine Nation, he explains himself by saying, that he means not that they were out of* Britain, *but beyond the two* Friths; *therefore the* Scots *then inhabited* Britain. This was but a necessary Explication, for *Bede*, who used these Words, after he had confessed before, *that the* Scots *under* Reuda *did settle in* Britain. Therefore when he used *Gildas* his Words, he thought it necessary to reconcile them with his own; and so declares that he used *transmarine* now in another sense. Just as if a *Scotish* Writer in *Bede*'s time had spoken of the *transmarine Saxons*, using the Words of an Author who lived before their coming into *Britain*; and then should explain himself, *That he did not mean the* German Saxons, *but those who lived in* Britain, *beyond the two* Friths; would this prove, that the *Saxons* lived here before *Cæsar*'s time? And if *this be an Argument clear to a Demonstration*, some Mens *Demonstrations* will hardly amount to the strength of a probable Argument. And I am apt to fear no Mens way of reasoning more than those who talk most of *Demonstrations.*

(z) *L.* 1. *c.* 12.

What if *St.* Jerome *mentions the* Scoti *from* Porphyry, *and the* Attacotti *as a* British *Nation*, what doth this prove as to the *Scots* inhabiting *Britain* so long agon? Could there be no *Scots* but in *Britain*, when it is confessed they came originally out of *Ireland?* *Sidonius Apollinaris* doth mention the *Scots* and *Picts*, in his *Panegyrick* to *Authemius*; but what then? who denies that the *Scots* and *Picts* did then *fight* and were beaten in *Britain?* But could not they be beaten here then unless they came into *Britain* by *Julius Cæsar?* Is this clear to a *Demonstration?* But it is observable, that in the Verse before he calls the *Caledonians Britains* even then.

(s) Sidon. *Carm.* 7. *v.* 90.

Victricia Cæsar
Signa Caledonios *transvexit ad usque* Britannos.
Fuderit & quamquam Scotum, *& cum* Saxone Pictum.

Where it is evident he distinguisheth the *Caledonian Britains* from the *Scots* and *Picts.*

But Claudian *mentions the* Scots *as ſettled in* Britain *before his time.* If it be granted, that falls very much ſhort of *Alexander* or *Julius Cæſar*'s time; yet there appears no *Demonſtration* for it. His Words are,

(t) Claud. in 4. *Conſul.* Honorii, v. 33.

(t) *Scotorum cumulos flevit glacialis* Irene.

But there is a certain Place in Scotland *called by that Name.* I will not diſpute it, but are we ſure that *Claudian* knew it by that Name? Was that ſo conſiderable to be taken ſuch notice of by the *Roman* Writers? Was not *Ireland* then called *Irene* by him? And doth he not mention the *Scots* moving all *Ierne?*

(u) *Totam cùm* Scotus Iernen
Movit, & infeſto ſpumavit remige Tethys?

(u) In *Conſulat.* Stilicon. *l.* 2. *v.* 251.

And is not this very *Poetical*, to ſay, *He moved all a certain little Part of* Scotland? From whence they might paſs beyond the Wall, without ſo much as *touching the Ocean?* Muſt theſe things paſs for *Demonſtrations* too?

I mention theſe Evidences, which the Weight of the Cauſe is laid upon, to ſhew how far theſe *Antiquities* are ſtill from being cleared, to the ſatisfaction of impartial Men. For I had no *Luddus* my *Kinſman*, no *Buchanan* my *Enemy*; I ſearch for nothing but *Truth* in ſuch *Enquiries*, it being as much to my ſatisfaction, that the *Scots* came into *Britain* in *Alexander*'s time, as any time after, if it can be as well proved. But it doth not become the Ingenuity of Learned Men, when all judicious Perſons in the Nations about us have rejected their *fabulous Antiquities*, to adhere to them without producing better Proofs of them; and that with ſo much violence, as if the Intereſt of the Nation, and the Succeſſion of the *Royal Family* were concerned in them: Which hath far ſtronger Grounds to ſtand upon than the *Authority* of *Hector Boethius*, or the *Race* of *Kings* between the two *Fergus's*, or the certain time when the *Scots* came firſt into *Britain.*

Having thus far given an Account of the *Antiquities* relating to the *Picts* and *Scots*, the *mortal Enemies of the* Britains; I now come to purſue my main Deſign, which relates to the *Antiquities* of the *Britiſh Churches*, whoſe declining State and Condition I am now arrived at.

And the firſt *Occaſion* thereof was, *the laying them open to the fury of their greateſt Enemies, the* Picts *and the* Scots. It is impoſſible for us to ſet down the punctual time when the *Scots* and the *Picts* firſt join'd their Forces together to give diſturbance to the *Britains*, but it is clear that they did ſo towards the middle of the *fourth Century.* For (x) *Ammianus Marcellinus*, ſpeaking of the *Incurſions* they made in the time of *Conſtantius*, when *Julian* was *Cæſar*, *Anno Dom.* 360. he ſaith, *That* Julian *being then at* Paris, *durſt not go over to the aſſiſtance of the* Britains *againſt the* Scots *and the* Picts, *as* Conſtans *had done before.* Which *Expedition* of his happen'd *Anno Dom.* 343. after his Succeſs over the *Franks*, and he paſſed an Edict, ſtill exſtant in the (y) *Theodoſian Code*, when he was at *Bologn*, in his Paſſage, which bears date that Year; And a Coin of his is mention'd by (z) *Du Cange* and (a) *Spanheim*, wherein the *Effigies* of *Conſtans* is on one Side, and on the Reverſe, *an armed Man on Shipboard, with the Image of Victory, and the Inſcription of Bononia Oceanen*; being Coined on purpoſe to preſerve the Memory of

(x) Am. Marcell. *l.* 20. *c.* 1.

(y) C. Theod. *de extraord. XI. Tit.* 16. *L.* 5.

(z) *Hiſt. Byzant. p.* 33.

(a) *In Cæſ. Jul. p.* 134.

of this Passage. And upon his coming over, things were quieted here, but not long after, they began to make new Incursions, within the Bounds of the *Province*, as is evident from the foregoing Passage of *Ammianus Marcellinus*, when *Lupicinus* was sent over, who arrived at *London*, saith he, *in the middle of Winter, to take Council how to proceed.* In the time of *Valentinian*, the same Historian (*b*) saith, *That there seem'd to be a general disturbance through the whole Empire, by the barbarous Nations who lay near them*; And, among the rest, he mentions the *Picts* (whom some render *Redshanks*) the *Saxons*, the *Scots*, and the *Attacots*, *who were continually vexing and doing mischief to the* Britains, so that in a little time, *the* (*c*) Britains *were reduced to a miserable condition by a new Conspiracy of the* Barbarians, *wherein* Nectaridus *the* Comes Maritimi Tractûs, *or* Roman *Admiral, and* Fullofaudes, *the General, were both killed.* And then *Valentinian* sent over *Theodosius*, a famous Captain (Father to the first Emperor of that Name) with considerable Forces. *For at that time, the* Picts *of both kinds, the* Deucalidones *and* Vecturiones; *the* Attacotti; *a fierce Nation, and the* Scots, *dispersing themselves up and down, did abundance of mischief*; *But* Theodosius, *leaving* London, *dispersed his Forces likewise into several parts, who surprized the Enemies, and recover'd their Booty, which they restored to the Owners, only reserving a small share for the Souldiers*; *And so in a short time, he put the City out of its fears and difficulties, and entred it as it were in Triumph: And then took care to have good Officers placed here*; Civilis *for Administration of Justice*; *and* Dulcitius *for Military Affairs.*

(*b*) L. 26. c. 4.

(*c*) L. 27. c. 8.

Who these *Attacotti* were, who joyn'd with the *Picts* and *Scots*, our *Antiquaries* are not agreed; But because of their joining with the other, and yet being distinguished from them, it seems most probable, that they were the *Wild Britains*; For (*d*) St. *Hierome* doth say, *they were a* British *People.* But what the Reason of the Name was, is not yet understood, and I doubt will not be, unless some happen to derive it from the *Phœnician Language.* What great mischief had been done to the *Britains*, by this Combination of their Enemies, appears by the care taken by *Theodosius*, after his beating them out of the Country, to restore *the Cities* and *Garrisons*, and to settle *the Guards upon the Frontiers*; which being done, That part of the Country which he recover'd from them, he obtained leave to have it named a *New Province.* And it was called *Valentia*, from the *Emperor*'s Name. This was done *An. Dom.* 368. And the next year *Theodosius* returned to the Emperor's Court. From that time we read no more of their *Incursions* till *Maximus*, in the time of *Gratian*, Son to *Valentinian*, was set up by the Souldiery in *Britain*, to be Emperor. Then (*e*) *Prosper*, set out by *Pithœus*, saith, Maximus *overcame the* Picts *and* Scots, *making new Incursions.* Which he thought he had done so effectually as to fear no disturbance on that Side; And therefore took away from hence all the *Flower* both of the *Roman* and *British Souldiery*, to make good his Title against *Gratian* and *Valentinian*, and after, against *Theodosius*; So that there was no possibility of their return, to secure the *Frontiers* from their *Enemies.* And this proved the *fatal Blow* to the *Britains.* For the Empire being so divided, and *Maximus* forced to keep his *Army* together, those parts were left open to the Rage and Fury of their Mercilesse Enemies. And if the (*f*) Author of the *Eulogium* and *Giraldus Cambrensis* may be believed, Gratian *and* Valentinian *entred into*

(*d*) c. Jovin. l. 2.

(*e*) *Chronic. init.*

(*f*) *v. Usser. Prim.* p. 590.

a League with the Gothick Picts, *and helped them with Shipping to convey them into the Northern parts of* Britain, *on purpose to withdraw* Maximus *his Army out of* Gaul: *Who coming thither in great Numbers, and finding the Country naked and without defence, ſettled themſelves in thoſe Parts.* Not as though the *Picts* had not come hither before, but they never came over in ſo great Numbers and with ſo much Incouragement as they did now. And it ſeems not improbable, that *Gratian* and *Valentinian* ſhould at that time deal with the *Gothick* Nation to give a diverſion to *Maximus*. For (*g*) *Zoſimus* aſſigns that as one of the great Cauſes of *Gratian*'s Ruine, *that he ſeemed more fond of the barbarous Nations than of the* Romans: And *Maximus* charged *Valentinian, with making uſe of the* Hunns *and the* Alani *againſt him*; Which is not denied by (*h*) St. *Ambroſe*, who was ſent by *Valentinian* on an *Embaſſy* to him. Theſe *Hunni* and *Alani* were, as is commonly ſaid, Inhabitants of *Sarmatia Europæa* near to the *Palus Mœotis*. The *Alani did live upon the Tanais*, ſaith (*i*) *Hadrianus Valeſius*; And the *Hunni*, ſaith he, *were a* Scythian *People, between the* Pontus *and the* Caſpian *Sea, upon the Northern Parts of the* Caucaſus, *from whom the* Abares, Turks *and* Hungarians *are deſcended.* But whoſoever obſerves (*k*) *Ammianus Marcellinus* his Deſcription of them, will find that the *Hunni* were the *Aſiatick Tartars*; and the *Alani* the *European*. The *Hunni* in the time of *Valens* paſſed over the *Palus Mœotis* in vaſt Numbers, and after, having killed many of the *Alani*, took the reſt into Confederacy with them, and having conquer'd the *Goths* in thoſe Parts inlarged their Power as far as the *Danube:* Where they lay ready to come into the *Roman Empire* on any Occaſion. And it is not to be wonder'd if *Gratian* ſhould employ Perſons into *Scandinavia* to draw out greater Forces from thence, thereby to make a *Revulſion*, as to *Maximus* his Deſigns in the Northern Parts of *Britain*. However this were, *Gildas* from this time dates the *miſerable Condition of the* Britains, as being in no Poſture to defend themſelves at Home. (*l*) *Nennius* ſaith, *That Maximianus* (as he calls him) *carried all the Forces out of* Britain, *and killed* Gratian *the Emperor*; *And would not let the* Britiſh *Souldiers return to their Wives, Children* or *Poſſeſſions, but gave them another Country inſtead of it*; *In the Weſtern parts of* Gaul, ſaith the *Interpolator* of *Nennius*. *And theſe*, ſaith *Nennius*, *are the* Aremorican Britains, *who never after returned to their own Country. And from hence*, he ſaith, Britain *was ſeized upon by foreign Nations, and its own Natives were driven out*; *and would ſo continue till God helped them.* But the *Britiſh Hiſtory*, ſet forth by (*m*) *Geoffrey*, hath improved the Story in many Particulars. Firſt, It makes this Maximianus *to marry the Daughter of* Octavius, *and ſo to come to the Kingdom of* Britain; Then, it adds, *That* Conanus *retired into* Albany, *and raiſed an Army, which was ouerthrown by* Maximianus, *who after five years paſſed into* Gaul, *and fought firſt againſt the* Aremoricans, *whoſe Country he gave to* Conanus *and his* Britains; *Who, reſolving not to marry any others than* Britiſh *Women, he ſent over Meſſengers to* Dionotus, *King of* Cornwall, *to whom* Maximianus *had committed the Government of* Britain, *to provide Wives for them*; *And ſent with* Urſula *his own Daughter Eleven thouſand of the better ſort, and of the common ſixty Thouſand. But theſe were unhappily, by Storms either ſunk or driven into thoſe Places, where* Guanius, *King of the* Hunns, *and* Melga, *King of the* Picts, *who were Confederates with* Gratian, *were joined with their Armies, who cruelly deſtroyed them. After which they came into* Albany, *where*

(*g*) Zoſim. *l.* 4. *p.* 760.

(*h*) St. Ambroſ. *Ep.* 27.

(*i*) *Rer. Franc. l.* 3. *p.* 98. *l.* 4. *p.* 153.

(*k*) Am. Marcel. *l.* 31. *c.* 2.

(*l*) Nenn. *c.* 23.

(*m*) *Hiſt. Brit. l.* 2. *c.* 4.

where they made havock of all Places they came near. Then Maximianus *sent* Gratianus Municeps *with two Legions who subdued the* Hunns *and* Picts, *and drove them into* Ireland. Here we have many fabulous Particulars put together, but none comparable to the 71000 *Virgins* sunk or destroyed by the *Hunns*. And yet *Geoffrey*'s Relation of this *Legend* is magnified by (*n*) *Baronius*, and approved by (*o*) *M. Velserus*, (*p*) *Aub. Miræus*, and (*q*) *Ægid. Bucherius*, as most agreeable to the Circumstances of the time. Which is a thing to be wonder'd at; considering how little Foundation there is for any one Particular of *Geoffrey*'s whole Relation, either as to *Octavius*, then King of *Britain*, or the marrying his Daughter to *Maximus*, or as to *Conanus* going first into *Albany*, and thence into *Aremorica*, or the settling of the *British Souldiers* there, at so busie a time, when *Maximus* wanted all the Assistance he could get; or the sending to *Dionotus*, or the sending away such a Number of *Virgins* at once, without any Fleet to conduct or secure their Passage. But (*r*) *Browerus* hath overthrown this *Legend* at once, by proving that *Aremorica* was not in the *Britains* Possession till a good time after this; For, as he well observes, *Maximus* was kindly received in *Gaul*, and met with no considerable Opposition there, *Gratian*'s own Souldiers revolting to him, and he passed on and settled himself at *Triers*, (then the Seat of this part of the Empire) as *Gildas* saith; And besides, in the time of *Aetius*, the *Aremorici* enjoy'd their own Country (as he proves from *Constantius* his Life of St. *German*) about *An. Dom.* 434. After which time they stood up in their own defence, till they were reduced by *Littorius*, which he shews from *Sidonius Apollinaris*. And (*s*) *Rutilius Claudius*, in the beginning of the fifth Century, after *Maximus* his time, mentions the *Aremorici*, as still enjoying their Country, where *Exuperantius* was then Governour. Saying, that after the Troubles by the *Goths* they had *Postliminium Pacis*; which evidently proves, they were not then kept out of Possession.

(*n*) Bar. *ad Martyrol. Rom. Octobr.* 21.
(*o*) *Not. ad* Tab. Peutinger.
(*p*) *Disquis. de SS. Virg. Col.*
(*q*) *Belg. Rom. l.* 12. *c.* 5.
(*r*) *Not. in* Ven. Fortun. *l.* 3. *p.* 59.
(*s*) Rutil. *Itiner. l.* 1. *v.* 250.

Cujus Aremoricas *Pater Exuperantius oras*
Nunc Postliminium pacis amare docet.
Leges restituit libertatémque reducit,
Et Servos Famulis non sinit esse suis.

And this was written after the Sacking of *Rome* by the *Goths*; So that there is no foundation for this *Legend* in the time of *Maximus*. *Ægid. Bucherius*, although he approves of *Geoffrey*, as to the time, and some other *Circumstances*, yet he differs from him in others. For he goes upon these Grounds, that *Maximus* landed at the Mouth of the *Rhine*, as *Zosimus* saith, That there they left the Multitude of Women and Virgins which follow'd the Army out of *Britain*; where the *Hunns* which *Bauto* sent against *Maximus* fell upon them and destroy'd them. This is no ill-contrived Story; but very different from the *Legend* in *Geoffrey*, in all the considerable parts of it: And yet after all, *Bucherius* thinks fit to yield up his Faith to the *old Legend*, as it is defended by *Bebius* and *Crombachius*; and so it is taken off from the time of *Maximus*.

(*t*) *Joh. Fordon*, agrees with *Geoffrey* about *Maximus* his giving the Country of *Aremorica* to *Conanus* and his *Britains*, *An. Dom.* 386. but he is so far from mentioning the 71000 *Virgins*, That he supposes *the* Bri-

(*t*) *Scotichron. l.* 2. *c.* 63.

Britains *of both ſexes to have ſettled there together.* But he makes a more credible Relation of *Conanus* his going over to *Aremorica*, which is, That *Maximus* miſtruſted he might ſet up for himſelf in his Abſence, having the *legal Title to* Britain, and therefore he removed him and the Chief of the *Britains*, and ſettled them in thoſe Parts of *Gaul.* This is no improbable Story; but yet the *Aremoricans* enjoying their Country after this time, is an effectual Confutation of it.

After the death of *Maximus*, more Troubles following in the *Roman* Empire, *the* Picts *and the* Scots, ſaith (*u*) Fordon, *negotiate a mutual Peace and ſtricter Alliance, in order*, ſaith he, *to the recovering their Country again. For* Maximus *had made uſe of the* Picts *to drive out the* Scots, *and then put Garriſons among the* Picts *to keep them under. And upon this Agreement*, An. Dom. 403. *in the ſixth of* Arcadius *and* Honorius, Fergus *the Son of* Erk *the Son of* Ethadius *the Brother of* Eugenius, *who was driven out by* Maximus, *came with his two Brothers* (called there *Loarii* and *Tenegus*, in all probability *Loarn* and *Ængus*, which were the Names, the *Iriſh Annals* give to the Brothers of *Fergus*, as is obſerved before) *and great Supplies of* Scots *from the Iſlands of* Ireland *and* Norwey, *whither they were driven: And the* Picts, *to prevent all Suſpicion of Treachery ſurrendred up their Forts to* Fergus. *Who now became King of all* Scotland, i. e. *of that part which is beyond* Drum Albain, *as well as on this other, which*, he ſaith, *it doth not appear how he came to, whether by the Sword or by any other Right; none of his Predeceſſors having any Power there.* (*w*) *Bede* ſaith, *The* Romans *had the Right of Dominion to the remoteſt part of the Iſland:* Which is not eaſie to make out, unleſs the *Poſſeſſion* and *Conqueſt* were better proved than appears by *Bede*'s *Hiſtory.* For although he mentions *Claudius* his Conquering the *Orcades*; yet it is hard to prove it by any *Roman* Authors; And if the Poſſeſſion were after loſt for ſo long a time, it will be as hard to prove the *Romans* ſtill enjoy'd the *Right of Dominion* upon ſo ſlender a Title. *But the* Picts *and* Scots *being thus united, their firſt Work*, ſaith *Fordon*, *was to drive out the* Romans *and* Britains *from their Country, and then to invade* Britain, *which was then left deſtitute of any defence: And ſo by their Incurſions they either killed the Common People, or made them Slaves.*

(*u*) *Scotichron. l.* 3. *c.* 1.

c. 2.

(*w*) *Hiſt. Eccleſ. l.* 1. *c.* 11.

Here *Fordon* tranſcribes *Bede*'s twelfth Chapter of his firſt Book; the Foundation whereof he took out of *Gildas*, concerning the departure of the *Britiſh Forces* without returning; the Invaſion of the *Scots* and *Picts*; the *Britains* ſending an Addreſs to *Rome* for Aſſiſtance; a *Roman Legion* coming and driving out their Enemies; and perſuading the *Britains* to build a *Wall* for their own Security. But it is obſervable, that *Bede* varies from *Gildas* without Reaſon; for what *Gildas* ſpeaks of their departure with *Maximus*, he applies *to the going of the Remainders of the* Britiſh *Forces under* Conſtantinus *and* Conſtans, *after* Gratianus Municeps *was killed in* Britain, *having uſurped the Empire here.* But that *Bede* was herein miſtaken will beſt appear by digeſting the times wherein theſe things happen'd as well as we can.

c. 3.

(*x*) *Zoſimus* ſaith, That *Honorius* VII. and *Theodoſius* II. being *Conſuls*, viz. *An. Dom.* 407. (nineteen years after the death of *Maximus*, as (*y*) *Archbiſhop Uſher* obſerves, (*z*) *Olympiodorus* in *Photius* ſaith, *the year before*, *Oroſius* and *Sozomen* the year after, *viz.* the year when *Arcadius* died;) *the* Britiſh *Souldiers in a Mutiny ſet up one* Marcus *to be Emperor*

(*x*) *Zoſ. l.* 6. (*y*) *Primord. p.* 591. (*z*) *Phot. Cod.* 80.

Emperor, as a Man of great Power in these Parts; But he, not answering their expectation, they soon took him off, and then set up Gratianus, (*who was a Native of* Britain, for so much (*a*) *Orosius* his Words imply, when he saith, he was *Municeps ejusdem Insulæ*) *and made him put on the Royal Purple and Crown*, &c. *but he not pleasing them, after four Months they take away his Life.* (*b*) Of him *Nennius* saith nothing; But he mentions one *Severus* between *Maximus* and *Constantius*, whom others omit; But (*c*) *Geoffrey* makes *Gratianus* to assume the Royal Authority as soon as he heard of the Death of *Maximus*; *But he was so tyrannical*, he saith, *That the common People rose up and killed him*; *and after his Death the* Britains, *according to him, sent to* Rome, *to beg help against the* Picts *and* Scots. But *Zosimus* and *Orosius* both say; *That, upon the Death of* Gratianus, *they set up here* Constantine, *a mean Person*, (*for the good Omen of his Name*, saith *Orosius*) *who immediately left* Britain, *and passed over into* Gaul, *where he gained the Army to him, and made his Son* Constans Cæsar, *and sent him into* Spain. *Olympiodorus* saith, *That he sent a Message and Excuse to* Honorius, *for assuming the Imperial Dignity, that he was forced to it by the Army*; *and that* Honorius *allow'd the Excuse, and for a time admitted him into Partnership with him.* But *Gerontius* a *Britain*, one of the Generals, finding himself slighted by *Constans* made a *Revolt* among his Soldiers, and stirr'd up the *barbarous Nations* in *Gaul* against *Constantine*; Upon which occasion, saith *Zosimus*, *The* British *Islands, and some of the* Celtick *Nations renounced the* Roman *Empire*; *And took up Arms to defend themselves from the Incursions of their Enemies: And* Honorius *by his Letters, gave them leave to take care of themselves.* Not long after *Constans* is killed by *Gerontius*, and *Constantine*, after the Siege of *Arles*, had his Head cut off by (*d*) *Honorius* his Order. But (*e*) *Nennius*, against the consent of all the *Greek* and *Latin Historians*, both Heathen and Christian, saith, *That this* Constantine *reigned 16 Years in* Britain, *and in the 17th died at* York. However he falls much short of (*f*) *Geoffrey*; for, he saith, *That* Constantine *was Brother to* Aldroenus, *King of the* Aremorican Britains, *to whom* Guithelin, *Metropolitane of* London, *was sent on an Embassy to accept the Government, which he put off to* Constantine, *who was chosen King at* Silcester, *and had a* Roman *Wife of* Guithelin's *Education, by whom he had three Sons*, Constans *a Monk at* Winchester, Aurelius Ambrosius, *and* Uther Pendragon, *who were committed to* Guithelin's *Care. After* Constantine's *Death, who was killed by a* Pict, *there happen'd a great Contest about the Succession*; *but by* Vortigern's *means* Constans *is taken from the Monastery, and set on the Throne at* London; *But* Guithelin *was now dead, and* Vortigern *put the* Diadem *on his Head, who governed all things, and soon got himself rid of him by a Guard of* Picts *he had placed about him, and so took the Government upon himself.*

(*a*) *Hist.* l. 7. c. 40.
(*b*) Nenn. c. 24.
(*c*) Galfr. l. 2. c. 4.
(*d*) Soz. l. 9. c. 15. Phot. *Cod.* 80.
(*e*) Nenn. c. 25.
(*f*) Galfr. l. 2. c. 5, 6.

But I shall set aside these Fictions or Traditions of *Geoffrey* and *Nennius*, and consider now what *Bede* saith, He makes *Gratianus Municeps* to be set up two Years before the sacking of *Rome* by *Alaric*, King of the *Goths*, which happen'd *Anno Dom.* 410. And he follows *Orosius*, about *Constantine* and his Son *Constans*, without ever imagining their continuing to govern, and losing their Lives in *Britain*: But then he applies the Passage in *Gildas* concerning *the lamentable Condition of the* Britains, *and their help from the* Romans, to the Times after the Death of *Constantine*; Whereas *Gildas* mentions both upon the Usurpation of *Maximus*, and his withdrawing the Forces from hence; And therefore this

this first cruel Invasion of the *Picts* and *Scots*, must be between the Death of *Maximus*, and the setting up of *Gratianus Municeps*: And then the *Britains* so earnestly begging for Assistance, had *Roman Governors* and *Forces sent to their Relief*. Some think that (*g*) *Claudius Rutilius* mentions *Victorinus* as *a* Roman *Governor here at that time*, but this is uncertain, when he there speaks of the taking *Tholouse* by the *Goths*, which was done by *Ataulphus* some time after the death of *Alaric*; And therefore could not be before the time of *Gratian* and *Constantine*; For *Idatius* saith, *that this latter was killed before* Ataulphus *entred* Narbon, which was before the taking of *Tholouse*.

(g) Itiner. l. 1. v. 500.

It is evident from many Passages in (*h*) *Claudian*, that *Stilicho*, took particular care of *the Supplies of the* Britains *against the* Scots *and* Picts: But *Stilicho* was killed by the Army when *Bassus* and *Philippus* were *Consuls*, Anno Dom. 408. before the first Siege of *Rome* by the *Goths*; And therefore the *Roman Forces* sent by him were before *the Usurpation of* Gratianus *and* Constantine: *Stilicho* being killed the same Year that these were set up in *Britain*, it is not possible he should do it after their Death; And it seems not probable that any Supplies should be sent through *Gaul* while *Constantine* remained there, the Army through which they were to pass in *Gaul* taking part with *Constantine* against *Honorius*. And withall *Gildas* saith, *That the* Roman *Legion, having driven out the* Picts *and* Scots, *returned in Triumph to* Rome: And so much is confessed by *Bede*. But at what time should we suppose, after the *Usurpation* of *Constantine, that a* Roman *Legion should return in so much Triumph?* For after *Constantine*'s Usurpation the *Roman Empire* began to decline extremely in those Parts through which they were to pass: *Gaul* being upon *Composition* (*i*) delivered up to the *Goths* by *Honorius*, and the *Franks* and *Burgundians* making continual impressions there. I conclude it therefore most probable, that the *first Supplies* given to the *Britains* were not after *Constantine*'s *Usurpation*, but between the Death of *Maximus*, and the setting up of *Gratianus Municeps*.

(h) De laud. Stilich. l. 2. v. 25. De Bello Get. v. 415. In Eutrop. l. 2.

(i) Jornand. c. 30. Paul. Diac. l. 14. Sigeb. Chron. A.D. 412.

The second time the distressed *Britains* were forced to solicit the *Romans* for *Supplies*, is placed by (*k*) Archbishop *Usher*, Anno Dom. 426. when *Gallio Ravennas* was sent hither, as he supposes, because the next Year *Prosper*, saith *Gallio*, *was sent against* Bonifacius *in* Africa. But then he makes the *first Supplies* to have been in the *latter end of* Honorius; for which I can see no reason. For he grants, *That after the Death of* Maximus, *the* Scots *and the* Picts *did waste* Britain; *and that then* Stilicho *did send assistance to them.* Why then should the *first wasting of the Countrey*, spoken of by *Gildas*, and the *Legion* sent upon it, be that *in the latter end of* Honorius, and not rather that *in the beginning?* For the latter end of *Honorius* his Reign was very perplexed and troublesome. The *Alani*, *Suevi* and *Vandali* were in *Spain*; The *Franks*, *Burgundians* and *Goths* in *Gaul*; *Jovinus* and *Sebastian* there, after *Constantine*'s death, usurped the Empire; And although the *Goths*, going into *Spain*, did great Service against the other *Barbarians*, yet such were the Straits of the *Roman Empire* in *Gaul*, That *Constantius*, who then managed the Affairs of the Empire, was forced to recall them, as both *Prosper* and *Idatius* say, *Monaxius* and *Plinta* being *Consuls* (which was the twenty fourth of *Honorius*,) and *to give them all that part in* Gaul *from the* Garonne *to the Ocean.* The Year before *Honorius* his

(k) Primord. p. 603.

p. 594.

his death, he was forced to send his Forces under *Castinus* into *Spain*, against the *Vandals*, as *Prosper* affirms; and that proved the Occasion of new Troubles in *Africa*, by the difference between *Castinus* and *Bonifacius*, who, for his own Security, conveyed over the *Vandals* thither. It is not therefore very probable, that the *first Supplies of the Britains* should be in the latter end of *Honorius*, especially since the Learned *Primate* confesseth, that *Honorius* did not in his time recover the *Province of* Britain, and he proves it against *Sabellicus* from *Procopius*, *Bede*, the *Saxon Annals* and *Ethelwerd*. And the single Testimony of *Sigebert*, *That* Honorius, *at the same time, sent assistance to the* Britains, *that he did to the* Spaniards (when *Prosper*, *Idatius* and *Cassidore*, who all mention the latter, say not a Word of the former) cannot weigh down the *Reasons* on the other side. p. 602.

But as to the *second Supplies* which were sent upon the mighty *importunity* of the *Britains*; They were in probability in the beginning of the Reign of *Valentinian* III. after that *Aëtius* had somewhat recover'd the Credit of the *Roman Empire* in *Gaul*: For after his Success there, both against the *Goths* and *Franks* he had liberty enough to send over a *Legion* to the Assistance of the *Britains*, who were again miserably haras's'd by the *Scots* and *Picts*. And at this time it was that *Gildas* saith, *The* Romans, *upon the sad Representations the* British *Embassadors made of their pitiful Condition, sent them speedy Supplies, who coming upon their Enemies on a sudden, like a violent Torrent, drove them all before them, and made them repass the Seas*: Which is an Argument, they did not then inhabit in *Britain*. But the *Romans* then plainly told the *Britains*. *they were not at leisure to bring over Legions as often as their Enemies invaded them: But they must train up their own People to Arms to defend themselves and their Wives and Children against a sort of Men no ways stronger than themselves. And, to incourage them the more, they built a Wall of Stone from Sea to Sea, and Forts on the Shore, and exercised them in Arms, taking their leave of them, and telling them, they must expect their return no more.* This is the Substance of *Gildas* his Relation, with whom *Bede* agrees; only inlarging the Description of the *Wall*, *which*, he saith, *was eight Foot in breadth and twelve in height, and that it stood where the Wall of* Severus *stood, being all made of Stone, and not of Turf as that unserviceable Wall was, which the* Britains *had before without skill and direction built for themselves.*

It hath been much disputed among our Learned Antiquaries where this last *Wall* stood, whether in the place where the former of *Turf* was raised by the *Britains* between *the two Friths*, or where *Hadrian*'s *Wall* was first built, between the *Tine* and the *Esk*. *Bede* puts a great distance between these *two Walls*, *and makes the former to have been between the two* Friths, *beginning at a Place called* Peneltun, *two Miles from* Abercorney, *and ending to the West, near* Alcluyd: *Which*, saith he, *signifies a Rock in the River* Cluyd. *But the latter Wall was from Sea to Sea, in a direct Line, between the Cities there built for Security against Incursions, and it stood in the Place of* Severus *his Wall.* (*l*) *Joh. Fordon* distinguishes between the *old Wall* called *Grimesdike*, from *Grime*, a *Britain* (whose Daughter *Fergus* married, and after his death, ruled over the *Scots*, during his Grand-child's Minority: and *which Wall*, he saith, *this* Grime *overthrew, and so recovered the ancient Possessions due to him as descended from* Fulgenius) and *the other Wall built where* Severus *his stood*: And he gives very different descriptions of them. *The former* (*l*) *Scotichron. l.* 3. *c.* 5.

Wall, he ſaith, *begins from the Eaſt, upon the South-ſide of the* Scotiſh *Shore, near a Village called* Karedin, *and then for twenty two Miles croſſes*
c. 4. *the Land, leaving* Glaſgow *on the South; and ends on the Bank of the River* Clyd, *near* Kirk-patrick. *The other*, he ſaith, *begins on the Eaſt*
c. 7. *in the Southern Bank of the* Tyne *to* Gaitſheved, *or* Goats-head, *where* Severus, ſaith he, *a long time before had made a Wall and a Trench over againſt* New-caſtle; *and ſo it is continued to the River* Esk, *called* Scotiſhwath, *for ſixty Miles, and ends near* Carliſle, *on the Weſt.* But (*m*) *Buchanan* contends, that *Severus* his *Wall* was where *Graham's Dike*, or *Grimeſ-dike* was, *and at leaſt eighty Miles diſtant from* Hadrian's *Wall*; which he proves from *the Antiquities there found, and the ſquare Stones taken up*; which do ſufficiently prove an *ancient ſtone Wall* to have been there, but not that of *Severus*: And the *Roman Inſcriptions* in (*n*) *Camden* mention *Antoninus*, and not *Severus*. *Joh.* (*o*) *Major* places *Severus* his Wall, as *Fordon* doth, *between the* Tine *and the* Esk. But Archbiſhop (*p*) *Uſher* hath endeavoured to clear this matter, by yielding to *Buchanan*, that the *Scotiſh Wall was made of Stone, viz.* By the *Romans* under *Gallio Ravennas*, and by proving, *that* Bede *was miſtaken as to* Severus *his Wall being made of Turf before*, which was the Reaſon he thought it turned into *Stone* at this time; *it being not likely, that the* Romans *would bring the* Britains *at leaſt eighty Miles back, and put them to defend a Wall ſo very much longer than the other*; But I rather think *Severus* his *Wall* was now repaired, and a larger Scope allow'd for the *Picts* and *Scots*; As, beſides what hath been ſaid before, may appear by this one Argument from (*q*) *Fordon*. He ſaith, *That when the Scots made a new Incurſion, they open'd Paſſages in the Wall, from whence it was called* Thirle-wall, *i. e.* ſaith he, *Murus perforatus*. Now the Learned (*r*) Primate grants, that a Place called *Thirle-wall* ſtood *on the Borders of* Cumberland *and* Northumberland: *And that* Fordon *ſaith*, Thirle-wall *was built by* Severus *on the* Tyne. And therefore *Bede* ſeems to have been in the right as to *Severus* his *Wall*, but only miſtaken in thinking it was made of *Turf* before, which was built of Stone by *Severus*, and accounted one of *the great Works of the* Roman *Empire*, which was impoſſible to be built of *Stone* a-new by *one Legion* and the help of the Countrey; But might very well be repaired, and made defenſible againſt the *Scots* and *Picts*.

(*m*) *Hiſt. l.* 4. *Rege.* 27. *l.* 5. *R.* 41.

(*n*) *Brit. p.* 699.

(*o*) *l.* 1. *c.* 14.

(*p*) *Primord. p.* 605, 1024, *&c.*

(*q*) *Scotichron. l.* 3. *c.* 10.

(*r*) *Primord. p.* 1028.

We might now think that the *Britains* were left by the *Romans* in a tolerable Condition to defend themſelves; But as ſoon as their *old Enemies* underſtood that their *old Friends* had forſaken them, they came upon them with a greater Force and Violence than ever. And the Spirits of the poor *Britains* were ſo broken by their former Miſeries, that they were not able to withſtand the Aſſaults of their Enemies: But they forſook their Wall and Forts, and fled as far as they could, and diſperſed themſelves, which made them an eaſie Prey to their barbarous Enemies, who now deſtroyed them in a more cruel manner than they had done before; And thoſe who eſcaped were driven from their Habitations, and hardly left in a Condition to ſubſiſt, having no Proviſion left, but what they did get by Hunting. This is the ſhort account of what *Gildas* more Tragically inlarges upon. And being thus reduced to the utmoſt Extremities, they reſolve once more to ſend to *Aetius* their *laſt Groans*; and to let him underſtand how unable they were to ſtand out againſt their Enemies, *Seeing between them and the Sea they were either drowned or butchered.* But all further Aſſiſtance

was

was now denied them; Aëtius *being then*, as (*s*) *Bede* saith, *deeply engaged in the War with* Bleda *and* Attila, *Kings of the* Hunns. This Message was sent, saith *Bede* in the 23*d*. of *Theodosius*, *Aëtius* being then *third time Consul* with *Symmachus*. But *Bleda*, according to *Prosper* and *Cassiodore*, was killed by *Attila* two years before *Aëtius* and *Symmachus* were *Consuls* (but one year before according to *Marcellinus*) but the year following he makes the terrible Invasion of *Europe* by *Attila* to be; And so *Aëtius* havingthen a Prospect of that War, had just reason to deny Supplies to the *Britains*. And when *Valentinian* was VI. *Consul*, the year before *Aëtius* and *Symmachus*, it appears by *Valentinian*'s Letters to him, that he was then in *Gaul*, for then he directed the famous Constitution *de Episcoporum Ordinatione* to him there; wherein he interposes his *Authority* to ratifie *Leo*'s Sentence against *Hilary* of *Arles*. But this is sufficient to shew that the *Britains* Complaints were then sent to *Aëtius*, and not to any *Agitius* or *Æquitius*, as some imagine. (*t*) *Fordon* saith, *The* Britains *sent to* Agitius *and* Litorius; But *Litorius* some years before was beaten, and taken Prisoner by the *Goths*, as appears by the *Fasti Consulares* both of *Prosper* and *Cassiodore*, and (*u*) *Paulus Diaconus* out of them.

(*s*) Bede, *l.* 1. *c.* 13.

(*t*) *Scotichron. l.* 3. *c.* 11.

(*u*) *Hist. Misch. l.* 14.

But the Miseries of the *Britains* were still increased *by a Famine which then raged*; which was not peculiar to *Britain*. (*w*) *Bede* saith, *That there was then a Famine at* Constantinople, *and a great Plague which follow'd it, which consumed abundance both of Men and Beasts*. Which he borrows from *Marcellinus* who makes both *Famine and Plague* to break out the very year *Aëtius* and *Symmachus* were *Consuls*. Both these are mention'd by (*x*) *Euagrius* in the *Eastern Parts*, and therefore are not to be looked on as a peculiar Judgment on the *Britains*.

(*w*) *L.* 1. *c.* 13.

(*x*) Euagr. *l.* 2. *c* 6.

After this, as (*y*) *Gildas* and *Bede* tell us, finding their Case almost desperate, the *Britains* were resolved to sell their Lives and Liberties as dear as they could, and by making *a fierce Assault* upon their Enemies, they began to get the better of them; Which they impute *to their trusting rather to Divine Assistance than to the help of Men, which they too much relied upon before*. The *Britains*, as appears afterward, did not want *Courage*, but *Exercise* in *Arms*; being kept under so long by the *Romans*, they durst not so much as pretend to fighting, for fear of being destroyed; And now the *Romans*, when they had a mind, could not infuse new Spirits into them; But their own Miseries at last roused and awaken'd them to that degree, that they made their Enemies quiet for some time; *And the* Irish *Robbers*, saith *Gildas*, *returned home, intending to return shortly: And the* Picts *in the farthest part of the Island lay still, only sometimes making Excursions*. This is a considerable passage in *Gildas*, which shews, that even then the *Scots*, whom he calls *Irish Robbers*, were not *Inhabitants* of any part of *Britain*. For he calls *Ireland* their *home*, as before he said upon the *Second Devastation* (as the Margin of *Jocelin*'s *Gildas* hath it) *that they came in their* Curroughs *over the* Scythian *Vale*, so he calls *the* Irish *Sea*; as *Nennius* calls the *Scots*, *Scytæ*. But if they had then inhabited in *Britain*, there had been no use of *Curroughs* to convey them over, and this had been their *proper Home*. (*x*) *Fordon* seems to have been aware of this *Objection*, and therefore saith, *The* Scots *and* Picts *took the* Irish *in to their Assistance*; But *Gildas* takes notice of no other *Scots* than those that came out of *Ireland*, and returned back again. (*y*) *Buchanan* saith, *That upon the Success of* Grime *against the* Britains, *many Strangers came in to*

(*y*) Gild. §. 18. Bed. *l.* 1. *c.* 14.

(*x*) *Scotichron. l.* 3. *c.* 10.

(*y*) *Hist. l.* 5. *R.* 41.

the Scots *Assistance, and had their shares allow'd them in the conquer'd Lands.* But he takes no notice of *Gildas* or *Bede's* saying, *That those very People who fought with the* Britains *returned home to* Ireland; *And the* Picts *were quiet in the utmost parts of the Island*; where there is no mention of any third sort of People called the *Scots* in *Britain.* But (z) *Dempster* undertakes from this place of *Gildas* to prove, *That the* Scots *and* Irish *were then distinguished, because* Gildas, *after he had mention'd the* Scots *and* Picts, *here names the* Irish *Robbers.* It is true, that *Gildas* before doth mention the *Scots* and *Picts*; but in this Place he only speaks of the *Irish* and the *Picts*, which is an Argument on the other side. For either the *Scots* had no share in these *last Incursions*, or they must be comprehended under the Name of *Irish*, having then no settled *Habitations* elsewhere but in *Ireland.* But there is one Passage in (a) *Gildas* which seems to imply *that it was their Custom to inhabit this Country*, but *Solito more* being their used, and they being then supposed out of *Britain*, the word *Inhabit* can only imply making *a longer stay* here, as they were wont to do when they had Success. For their coming is described, like that of the *Bucaniers* in the *West-Indies*, and their Stay was as they liked their Entertainment.

(z) *Apparat. ad l.* 1. c. 3.

(a) Gild. §. 10.

From this time *Gildas* only mentions *the Vices* and *the Fears*, and another great Plague among the *Britains*, before he comes to that *pernicious Counsel*, as he calls it, *for sending for the* Saxons *by* Vortigern.

But before I speak of that, while we are upon this Head of the *Britains* being thus exposed to their Enemies, it will be needful to enquire what that *Legionary Assistance* was which is mention'd in the *Notitia Imperii*, and at what time that was made; For if the Common Opinion be true, that it was made after the time of *Honorius*, then *Britain* could not have been left so destitute of *Roman Assistance* as *Gildas* and *Bede* say. For by that *Notitia*, here in *Britain*, under the *Dux Britanniarum* (who seems to have swallow'd up the Power of the *Comes Britanniæ*, whose bare Title is still left in the *Notitia*) there was the *Prefect* of the *sixth Legion* at *York*, of the *Dalmatian Horse* at *Præsidium*, i. e. *Warwick*, probably first built in the time of *Didius Gallus* against the *Silures*, and so continued its Name after, as being a convenient Station to keep under the *Provincial Britains*; Of the *Caspian Horse* at *Danum*, (*Doncaster*;) Of the *Cataphractarii* at *Morbium*, (*Moresby* in *Cumberland*;) and so of others, at *Albeia* (*Jerby* in the same County,) at *Dictum* (*Diganwey* in *Carnarvanshire*,) at *Concangii* (*Kendal* in *Westmoreland*,) at *Lavatræ* (*Bowes* in *Richmondshire*,) at *Verteræ* (*Burgh* in *Westmoreland*,) at *Brovoniacum* (*Brongham* in the same County,) at *Maglona* (*Macleneth* in *Montgomery-shire*,) at *Magi* (old *Radnor*,) at *Longovicum* (*Lancheſter* in the Bishoprick of *Durham*,) at *Derventio* (*Aldby* in *Yorkshire*;) And besides these, there were many *Cohorts* disposed *per lineam Valli*, along the Wall, as at *Segedunum* (*Seton* or *Seghill* in *Northumberland*,) *Pons Ælii* (*Ponteland* in the same County,) *Condercum* (*Chester* in the *Street*,) *Vindohila* (*Walls-end*,) *Hunnum* (*Severshale*,) *Cilurnum* (*Silchester in Muro*,) *Procolitia* (*Prudlow*,) *Borcovicus* (*Borwick*,) *Vindolana* (*Winchester*,) *Æsica* (*Netherby* on the *Esk* in *Cumberland*,) *Magna* (*Chester* in the *Wall*,) *Amboglana* (*Ambleside* in *Westmoreland*,) *Petrianæ* (old *Perith* in *Cumberland*,) *Aballaba* (*Appleby* in *Westmoreland*,) *Congavata* (near *Caudebec* in *Cumberland*,) *Axellodunum* (*Hexam* in *Northumberland*,) *Gabrosentum* (*Gateshead* by *New-*

Newcaſtle,) *Tunnocelum* (*Tinmouth,*) *Glanoventa* (a Place upon the *Wensbeck*, ſaith our Learned (*b*) Antiquary, (whoſe Judgment in the other I have follow'd) *ſome Miles within the Wall*;) *Alione* (upon the River *Alne* in *Cumberland,*) *Brementuracum* (*Brampton* in the ſame County,) *Olenacum* (*Elenborough* in the ſame,) *Viroſidum* (*Warwick* on the *Eden.*) Now if all the *Military Forces* lay here *ſo near to the Wall*, after the time of *Honorius*, how came the *Britains* to have been in ſuch diſtreſs? But we have no certainty when this *Notitia* was made. If it were, as *Pancirol* conjectures, in the latter end of *Theodoſius* the younger, about *Anno Dom.* 445. Then all theſe *Roman Forces* were certainly withdrawn; and any new Supplies denied by *Aëtius* in the 23th of *Theodoſius*; Therefore this *Notitia* muſt relate to the *Roman Settlement* here, before the time that *Maximus* carried over the *Roman Legions*, which never returned to that Station which they had before. And although the Title ſeems to imply that it extended beyond the times of *Arcadius* and *Honorius*; yet it cannot be underſtood of what then was, but of what had been in former times. For that the *Britains* had then no ſuch *Forces* among them is apparent by what hath been ſaid already.

(*b*) Camd. *Brit.* p. 669.

I now come to that fatal Counſel of ſending for the *Saxons* to come to their Aſſiſtance. It appears by (*c*) *Gildas*, That the *Britains* could come to no Settlement among themſelves. "For, ſaith he, They a- "nointed Kings, not according to the Will of God, but ſuch as were "more fierce and cruel than others, and not long after they without "Examination took them off, and ſet up worſe than they. If any one "was more gentle and a Lover of Truth, he was the moſt hated and "maligned, as a Betrayer of his Countrey, they minded not what was "pleaſing or diſpleaſing to God; or rather the latter was more pleaſing "to them. They acted ſtill contrary to their own Intereſt, and there "was an univerſal Degeneracy of Manners in all ſorts of Men; And "thoſe who ſhould have given the beſt Examples, their Prieſts and "Teachers, were as bad as others; Exceſſive Drinking, Heats and Ani- "moſities, Contentions and Diviſions, Envy and Oppreſſion, were then "ſo prevailing, that they ſeemed to have loſt all Judgment of Good "and Evil; ſo that then, he ſaith, The Saying of the Pſalmiſt was "fulfilled, *He poureth Contempt upon Princes, and cauſeth them to wander "in the Wilderneſs, where there is no Way.* And when neither Fear of "their Enemies nor the Judgments of God in a raging Peſtilence would "do them good, then their Iniquities, ſaith he, growing full, like the "*Amorites*, they fell into Conſultation, what was beſt for them to do "againſt their Enemies Incurſions, and they all agreed to invite the "*Saxons* over to aſſiſt them. Upon which he breaks out into a ſtrange "Admiration of that Stupidity and Infatuation which the *Britains* were "then under, to call in a Nation to help them whom they dreaded "worſe than Death.

(*c*) Gild. §. 19, 20, 21, 23.

For the *Saxons* had been *terrible* for ſome time before to the *Britiſh* Nation; which was the Occaſion of calling the Shore on both ſides the *Saxon* Shore, and ſetting up ſuch an *Admiral* here by the *Romans*, who was called *Comes Litoris* Saxon' *per* Britanniam. Which ſhews that the *Saxons* were then very well known for their great *Piracies*, and had been ſo from the time of *Carauſius*: For then, (*d*) *Eutropius* ſaith, *he was employ'd to ſcour the Seas from the* Franks *and* Saxons, *who were very troubleſome.* It appears by (*e*) Tacitus, *that* Gannaſcus, *with the* Chauci, *did, in* Claudius *his time, infeſt the* Gallican *Shore with Piracy.*

(*d*) Eutrop. l. 9. c. 19.

(*e*) Tacit. An. 11.

(*f*) *Zoſi-*

(f) Zosim. l. 3. (f) *Zosimus* saith, *That the* Saxons, *who were the stoutest of all the barbarous Nations, sent out the* Quadi, *a part of their own People, into the* Roman *Territories.* By these *Quadi* (g) *Cluverius* and (h) *Bucherius* understand the *Cauchi.* But (i) Archbishop *Usher* shews, *That these were neither the* Quadi *nor the* Cauchi, *but the* Chamavi, *from* Eunapius, *whom* Zosimus *transcribes, and from* Julian *himself:* But from hence it appears, That the *Chamavi* were then accounted a part of the *Saxons*, who, according to (k) *Cluverius*, there lived near the River *Amisia*, a great way on this side the *Elb* or the *Weser*; And *Eunapius* places them *not far from the* Rhine. However, this proves, that the Name of *Saxons* then comprehended *Nations* of other *denominations.* But, to make this out, we are to consider, that *Zosimus* saith, *That in the time of* Constantius, *three* German Nations *brake forth as it were at once on the* Roman Empire; *The* Franks, *the* Alemanni *and the* Saxons; *and had taken and destroyed forty Cities on the* Rhine. And St. (l) *Hierome* mentions the *Franks*, as lying between the *Alemanni* and the *Saxons. These three*, as (m) *Beatus Rhenanus* observes, *comprehended the several Nations of* Germany; And, as the late Learned Bishop of (n) *Munster* saith, *The* Saxons *was a Name belonging to different, but Neighbour Nations, which joined together upon a common Interest.* And, not improbably, had their Name at first from the *short Swords* they did commonly wear, called *Sachs*; as the *Quirites* had their Name from *Quiris*, a sort of *Spear*; And the *Scythians*, from *Scytten, to shoot with a Bow.* (o) *Witikindus* first mentions this *Etymology*, which is followed by others; but (p) *Reinerus Reneccius* and (q) *Gryphiander* do much more incline to another derivation, *viz.* from *Sassen*, which in the *German* Tongue is the same with *Natives* or *Inhabitants*; And which in the modern *Saxon* is *Saten*; as *Gross* is *Grote*; and so *Holsati* are the same with *Holt-saten, Men that lived in Woods.* But why this, which was common to other *Germans*, should give a particular denomination to one sort, is not so easie to apprehend: But *Tacitus*, speaking of some of the *Northern Germans*, saith, *That the common Badges of them are round Shields and short Swords:* And *the Arms of* Saxony *to this day*, as (r) *Pontanus* observes, *are two short Swords a-cross.* As to those who derive the *Saxons* from the *Sacæ* of *Asia*, as though they were *Sacasones*; although there be Persons of great Name who embrace that Opinion (among whom our (s) Mr. *Camden* is one) yet I think it no more probable, than that the *Germans* are derived from *the Plowmen of* Persia, some whereof, *Herodotus* saith, were called *Germanii.* For a bare similitude of Names is no sufficient ground to judge of the *Affinity* of People; nor the agreement of *some Words*, as in the *German* and *Persian* Languages (which Mr. *Camden* insists on) to conclude the People of the *same Original:* Unless there be a probable account withall given, how they came to be propagated from each other, *i. e.* how the *Persian Germans* came into these Parts; And how the *Sacæ* left their own Countrey to People *Saxony.* But under this Name of *Saxons*, not only those who originally had that Name, but all those who joined with them, were comprehended. And it is observable, that not one of the three Names of the *German* Nations then in use was known in *Tacitus* his time. The *Alemanni* are first spoken of by (t) *Spartianus*, in the Life of *Caracalla*; and, as (u) *Agathias* saith from *Asinius Quadratus, They were an Association of many People together under that Name*, as the Word imports. The Name of *Franks* was first

(g) Germ. Antiq. l. 3. (h) Belg. Rom. l. 7. c. 5. (i) Prim. ord. p. 309. (k) Germ. l. 3. c. 14. (l) Hier. vit. Hil. (m) Rer. Germ. l. 1. p. 55. (n) Mon. Pader. p. 91. (o) Witikind. de Sax. l. 1. (p) Reiner. de Sax. Origine, p. 10. (q) De Weichbild. Saxon. c. 70. n. 5. (r) Origin. Franc. l. 2. c. 2. (s) Brit. p. 92. (t) Vit. Caracal. (u) Hist. l. 1.

first known in the time of (*w*) *Aurelian*, and took in several of the old German Names, the *Sicambri*, *Chatti*, *Tencteri*, and many others; Thence (*x*) St. *Jerome* saith, That *France* was that which Historians called *Germany*; And so the *Saxons* was a general Name for the *Northern Germans*, who chiefly lived upon *the Sea-shore*, from the *Amasis* to the *Weser* and *Elb*, as far as the *Eydor*, unto the *Cimbrick Chersonese*, that had peculiar Appellations. For although the Testimony of (*y*) *Ptolomy* be commonly produced for the *Saxons* living on the back of the *Cimbrick Chersonese*, yet Mr. *Selden*'s *MS.* in both places, leaves out the Σ, and *Capnio*, as (*z*) *Cisnerus* observes, contends, it ought to be read Ἄξονες. But I lay no weight upon this. But it is certain, that the People in *Tacitus* his time were called *Fosi*, who lived in the Place where the *Saxons* are supposed to have been. (*a*) *Cluverius* makes a very unhappy Conjecture, that *FOSI*, in *Tacitus*, was corrupted, for *SASONI*; because they lived in *Holstein*, and about *Sleswick*; But it is far more probable, That the Name of *Saxons* was then generally assumed by the *Northern Germans* when they joined their Forces together, and resolved to make some Expeditions abroad, as the *Franks* and *Alemanni* had done. Which they did with so great Success, that (*b*) *Zosimus* saith, *in the time of* Julian *they went down the* Rhine, *and drove out the* Salii, *a Nation of the* Franks, *out of the Island of the* Batavi. But it seems very probable, That the *Saxons* had placed themselves near the *Sea-shore*, from the time of *Diocletian*, when *Carausius* was employ'd against them. (*c*) *Orosius* describes them as a *People living on the Sea-shore*; and so do *Isidore* and *Paulus Diaconus* after him. *Ammianus* (*d*) *Marcellinus* mentions them, as *bordering*, *in* Valentinian's *time*, *on the Parts of* Gaul *as well as the* Franks.

(*w*) Vopisc. *in* Aurel.
(*x*) Hier. *in vit.* Hilar.
(*y*) Geogr. *l.* 2.
(*z*) *Præfat. ad Crantz. Sax.*
(*a*) *Germ. Antiq. l.* 3. *c.* 21.
(*b*) Zosim. *l.* 5.
(*c*) *Hist. l.* 7. *c.* 31.
(*d*) Marcel. *l.* 27.

But about this Point our two Learned Antiquaries differ, (*e*) *Camden* saith, *That the* Saxons *originally came from the* Cimbrick Chersonese, *in the time of* Diocletian; *And after, passing the* Elb, *they partly went into those parts of the* Suevi, *which are since called* Saxony, *and partly into* Frisia *and* Batavia; *From whence*, he saith, *all the Inhabitants of the* German Shore, *who used Piracy at Sea, were called* Saxons; by which he understands *the People from* Jutland *to* Holland. For which he produces the Testimony of *Fabius Ethelwerd*, of the Royal Blood of the *Saxons*; Who saith, *That the* Saxons *lived upon the Sea Coasts, from the* Rhine *as far as* Denmark. But Archbishop (*f*) *Usher* will not allow, that *the* Saxons *had seated themselves upon those Coasts then*; *But only that they did exercise their Piracies along them.* He grants, *that before* Bede's *time*, *the* Saxons *took Possession of the Places quitted by the* Franks, *when they went into* Gaul, *and not only inhabited on the Coast between the* Elb *and the* Rhine, *but in the inner Parts of the Countrey*; But he denies, *that this was before the* Saxons *coming into* Britain. But then *Fabius Ethelwerd* did not understand where his Countreymen lived before they came into *Britain*; And if the *Saxons* in *Valentinian*'s time, were still only in the *Cimbrick Chersonese*, how comes *Ammianus Marcellinus* to make them to border upon *the Parts of* Gaul? Are either *Jutland* or *Holstein*, or *Sleswick*, or any of those Countries contiguous to *Gaul?* Yet his Words are, *Gallicanos Tractus* Franci & Saxones *iisdem confines*, &c: Which, that it is not to be understood, *that the* Saxons *were Neighbours to the* Franks; but *that the* Franks *and* Saxons *then bordered upon the* Gauls, will appear from hence, The *Franks* were then in *Taxandria*, as is plain by (*g*) *Ammianus* his Words, in the time of *Julian*,

(*e*) *Brit.* p. 93.
(*f*) *Primord.* p. 309.
(*g*) *L.* 17.

and

and in *Batavia*, and withall, *Zosimus* speaks *of the* Salii, who were undoubtedly *Franks*, *being driven out of the Island of the* Batavi *by some of the* Saxons. And this was no Incursion of the *Franks*. For *Ammianus Marcellinus* saith, *They did there fix their Habitations:* And the *Chamavi*, whom he makes a part of the *Saxons*, had that Command of the *Rhine*, that *Julian* made Peace with them, *because without their leave Corn could not be brought out of* Britain, as (*h*) *Eunapius Sardianus* saith: And so (*i*) *Libanius* and (*k*) *Zosimus* say, *that* Julian *took greater Care for the transporting Corn out of Britain, as had been accustomed, by building more Ships on the* Rhine *for that purpose*; And (*l*) *Ammianus Marcellinus* saith, *he built Granaries instead of those which were burnt.* Such a one the *Arx Britannica*, in the Mouth of the *Rhine*, was made from a *Magazine*, and thence probably, saith (*m*) *Camden*, had its Name, *because the Corn was conveyed thither out of* Britain. From thence it follows, that the *Saxons* so early as *Julian*'s time, had the Command of the *Rhine*. For, whether these were the *Chauci*, the *Quadi*, or the *Chamavi*; yet *Zosimus* saith, *That they were a People of the* Saxons. But it may be said, *That this was only a sudden Incursion, and that they were driven out again by the* Roman *Forces*. So indeed *Zosimus* and *Julian* relate it, but how then come the *Saxons* in *Valentinian*'s time to border still upon *Gaul?* So that, if they were driven out by *Julian*, they quickly returned, and fixed their *Habitations* by *the Sea*, as the *Salii*, who were *Franks*, did in *Taxandria*; which was more within Land: and where, as (*n*) *Godfrey Wendelin* hath endeavoured to prove, *the* Salick *Law was first made*. Which *Taxandria*, according to him, was bounded by the *Maes* on the East and North; by the *Tamera* on the South, and by the *Scheld* on the West; And here, upon Submission, the *Franks* were permitted to live; And this was thence forward called *Francia Minor*, and he mentions a Place there still called *Vranrijck*, the *Kingdom of France* (but a very small one) and others called *Seilberg*, the *Mountain* of the *Salii*, *Seelbendens*, the *Salian Meadows*, *Seleheim*, the *House* of the *Salii*: But the other *Franks* being by *Stilicho*'s means driven out of their Possessions beyond the *Rhine*, they came into the Parts about *Tongres* near to *Taxandria*, and there joined in one Body; and set up *Kings among themselves*, as he shews from *Gregorius Turonensis*, and then they made that *Body of Laws*, called *the* Salick *Laws*. But to return to the *Saxons*.

(*h*) *Excerpt. Legat. p.* 15. (*i*) *Orat. Fun.* (*k*) Zos. *l.* 3. (*l*) *L.* 18. (*m*) *Brit. p.* 852. (*n*) *Natale Solum Legum Salic. c.* 8. *c.* 11. *c.* 13.

(*o*) *Ubbo Emmius*, a learned and judicious Historian, gives this Account of the *Saxons* and their *Neighbour Nations*, who inhabited on the Northern Parts of *Germany*. The *Frisii* dwelt from the middle Stream of the *Rhine*, about *Utrecht*, to the River *Amasus*, (*Ems*;) From thence to the *Elb* lived the *Chauci*, divided into the greater and lesser by the *Weser*; A great part of these, leaving their Native Soil, joined with the *Sicambri* on the *Rhine*, who, from their affecting Liberty, were called *Franks*; beyond the *Elb* were the *Saxons* and the *Cimbri*; These *Saxons*, being pressed by the more Northern People, or for their own Conveniency, came Southwards, and took Possession first of those Places where the *Chauci* dwelt; And by degrees prevailing, all the other People, who joined with or submitted to the *Saxons*, were called by their Name: and among the rest the *Frisii*; From whose Coasts he supposes the two Brothers, *Hengist* and *Horsa*, to have gone into *Britain*; and, returning thither, carried over a far greater Number with them, not so much to fight, as to inhabit there. He thinks it most probable,

(*o*) *Rer. Frisic. l.* 1. *l.* 3.

probable, that *Hengiſt* and *Horſa*, by their Deſcent, were originally *Saxons*; But that the greateſt part of the People who went over with them were rather *Friſians* than *Saxons*. Which he proves, not only from the greater facility of Paſſage from the Coaſts of *Friſeland*, and the *Teſtimony* of their own *Annals*; but from the greater agreement of the *Engliſh Language* with theirs than with the *Saxon*, or any other *German Dialect*. And becauſe (*p*) *Bede* reckons *the* Friſians *among thoſe from whom the* Engliſh *are derived*; and *Wilfrid*, *Wickbert*, *Willibrord*, preach'd to the *Friſians* in their *own Tongue*, as he proves from *Marcellinus* his Life of *Suidbert*: And *Procopius* reckons the *Friſians* among the *Inhabitants of* Britain. But he ſaith farther, That the *Affinity of the Languages* continues ſtill ſo very great, that from thence he concludes many more to have gone out of *Friſeland* into *Britain*, than either of the *Saxons*, *Jutes* or *Angles*.

(*p*) *l.* 5. *c.* 10.

But to all this our Learned (*q*) Primate anſwers, *That* Hengiſt *and* Horſa *might be true* Friſians, there being a *Friſia* in the Southern Parts of *Jutland*, which *Saxo Grammaticus* calls *the leſſer Friſia*, and is parted by the *Eidore* from the *Countrey* of the *Angli* on the Eaſt, and of the *Saxons* on the South. But whatever *Suffridus Petrus*, or ſuch Authors contend for, as to *Hengiſt* and *Horſa* being *originally Friſians*, *Ubbo Emmius* quits that Point upon (*r*) *Bede*'s *Genealogy*, and grants they were *Saxons*; being the Sons of *Victgilſus*, whoſe Father was *Victa*, the Son of *Vecta*, whoſe Father was *Voden*, *of whoſe Race the Kings of many Provinces are deſcended*. It doth not ſeem at all probable, That theſe lived in the *leſſer Friſia*, which is hardly taken notice of by any but by (*s*) *Saxo Grammaticus*; and (*t*) *Pontanus* tells us, *is not above four* German *Miles in length upon the Sea-ſhore*; But ſuppoſe that *Saxo* comprehended *Dithmars* under it, yet we have no certainty that the *Colony* of *Friſians* was removed thither before *Hengiſt* and *Horſa* came for *Britain*; and *Helmoldus* ſeems to imply that it was brought thither by *Adulphus* II. Count of *Holſtein*, about *Anno Dom.* 1137. But the Queſtion is not concerning *Hengiſt* and *Horſa*, but the greater Number of the People, which might be ſtill of the greater *Friſia*; For which the affinity of the Language is a conſiderable Argument, which doth not depend merely upon the Credit of *Marcellinus* his Life of *Suidbert*, but upon the probability of the thing. For ſince ſeveral *Engliſh* went thither to Preach, and the Affinity of the Language continues ſo great ſtill, it is a good Argument to prove, either that the *Friſians* came over hither, or that the *Friſian* and *Saxon* Languages were then the ſame. And (*u*) *Procopius* his Teſtimony is not to be ſlighted, who places the *Friſians* in *Britain*; for although he calls it *Brettia*, it is certain he means *Great-Britain*, becauſe he places the *Angles* together with the *Friſians* in it; So that he might as well queſtion the *Angles* as the *Friſians* coming hither; if *Procopius* his Authority ſignifie any thing.

(*q*) *Primord. p.* 399, 400.

(*r*) *L.* 1. *c.* 15.

(*s*) *L.* 14.

(*t*) *Deſcript. Dan.*

(*u*) *De bello Goth. l.* 4. *c.* 20.

I know that our moſt Learned (*w*) Primate takes this *Brettia* for the Iſland of the *Batavi*, becauſe *Joh. Leidenſis* ſaith, *That upon the* Saxons *Invaſion, ſome of the* Britains *fled into* Holland, *and there, in the Mouth of the* Rhine, *built that famous Caſtle called* Britton, *and ſubdued the People thereabout*. But this ſeems to be very improbable, for any one that looks into the Deſcription of it, in (*x*) *Scriverius* his *Antiquitates* Batavicæ, will conclude it to have been *a Roman Work*; which a Perſon of his Judgment could not but diſcern; But he ſaith, *it was poſ-*

(*w*) *Primord. p.* 419.

(*x*) *Antiq. Bat. p.* 171. *&c.*

ſeſſed then by the Britains: Which depends wholly on the Credit of this *Joh. Gerbrandus* of *Leyden*, who was a *late Writer*, and of no great Eſteem with him, as appears by many Paſſages in his Book: But how came the *Angles* to live here with the *Friſians* and *Britains?* For that the ſame *Gerbrandus* is cited, who ſaith, *That when part of* Hengiſt's *Army was driven out of* Britain, *they built the Caſtle of* Leyden. And ſo we have the *Britains* dwelling there, being driven out by the *Saxons*; and the *Saxons* driven out by the *Britains*; only to make this to be the Iſland *Brettia*, in *Procopius*, diſtinct from *Great-Britain*. But to proceed.

(y) *Hiſt. Eccleſ. l. 1. c. 3.* (z) *Chron. p. 111.* (y) *Adamus Bremenſis*, who lived near to *Jutland*, ſaith, That *the* Saxons, *who went over into* Britain, *lived near the* Rhine. (z) *Engelhuſius*, lately publiſhed out of *MSS.* by *Maderus*, and who lived in the lower *Saxony*, ſaith, *That* Hengiſt *and* Horſa *went out of* Weſtphalia, *from a Place called* Enghere, *and inſtead of* Engerſchen, *called themſelves* Engelſchen. (a) *Suffridus Petrus* ſaith, *Thoſe People were called* Angrivarii, *and the Country* Angria, *which was ſubdued by* Udolphus, *Father to* Hengiſt *and* Horſa, *and Prince of* Friſia; *But their Mother's Name was* Suana, *Daughter to* Vectgiſtus, *a great Man about* Hamburgh. If he ſuppoſe *Hamburgh* then built, he was extremely miſtaken; for it was only a *Caſtle* erected on the *Elb*, in the time of *Charles the Great*, for preventing the Incurſion of the *Sclavi*, as appears by the Teſtimonies of (b) *Eginhardus*, and (c) *Albertus Stadenſis*: After which he built *a City*, and founded *a Church* there, as *Adamus Bremenſis* and *Helmoldus* agree; Which City had its Name from a Neighbour *Wood*, called in the *Saxon*, *Hamme*; as (d) *Lambecius* ſaith, in *Ditmarſe* there are *two Woods* ſtill called *Suderhamme* and *Norderhamme*. But to return to *Suffridus*; *When, according to Cuſtom*, ſaith he, *a Colony of* Friſians *was to be drawn out*, Hengiſt *and* Horſa *were their Captains, and ſo went for old* England, *or* Anglen *in* Jutland, *where they were kindly received, by means of* Vectgiſtus; *and from thence took the opportunity of coming into* Britain. From hence he finds fault with *Crantzius*, for making *Angria* in *Weſtphalia* to be *Old Anglen*; and ſaith, *That* Bede *only reckons the Mother's Line, and not the Father's*. But his *Occa Scarlenſis*, on whom he chiefly relies, is much ſuch another Author as *Hunibaldus*, or *Geoffrey*, or *Hector's Veremundus*; and therefore I ſhall ſay no more of him. For, I perceive, ſcarce any of the *Northern Nations* wanted ſuch Authors, who endeavour'd to ſupply the defect of their *Hiſtories* by their own *Inventions*. So that it is neceſſary to lay open the pretended *Antiquities* in order to the ſetting forth the true.

(b) *Annal. A.D. 810, 811.* (c) *Stad. A.D. 810.* (d) *Orig. Hambag. p. 13.* (a) *De Orig. Friſ. l. 2. c. 15.*

(e) *Monum. Paderborn p. 88. p. 90. &c.* The late Biſhop of (e) *Munſter*, a Perſon of far greater Judgment and Learning than *Suffridus Petrus*, calls his *Originals* of the *Saxons*, by no better a Title than of *Canoræ Nugæ*, Sounding Trifles, *having no Foundation in good Authority*. The Account he gives of the *Saxons* is this, That they at firſt lived beyond the *Elb*, where they had the ſame Situation with *Tacitus* his *Angli*, whom he makes the fartheſt of the *Suevi*, and therefore might well be the ſame People; That in *Bede's* time they were come on this ſide the *Weſer*, and were ſettled in *Weſtphalia*; and ſo they made a threefold *Saxony* of the *Oſtphali*, *Angrivarii* and *Weſtphali*, who were called *Olt-ſaxons* by *Bede* and others: Not that theſe were all originally *Saxons*; But they bore the ſame Name, being united in one common League; So that, as all the *Germans* which went into *Gaul* were called *Franks*, ſo thoſe who prevailed in *Germany* and went into *Britain*, were called *Saxons*.

But

But (f) *Olaus Rudbeck*, after all, hath found the Seat of the *Saxons* more North than *Jutland*, where, saith he, *The Name of the* Saxons *could never yet be found; and where are no Mountains to be met with upon which* Ptolemy *places them on the back of the* Cimbrick Chersonese, *but in that part of* Sweden *which lies between* Vermelandia *and* Angermannia *he hath found* Norsaxen, *and* Soderſaxen, *and* Saxehundari, *and* Saxewall, *and* Saxen, *&c. And in* Smaland *he hath discovered many Places taken from the* Angles, *as* Angleſted *Hundred*, Angloridia, Anglodorpia, Engelbeck, *&c.* (f) *Atlantic. c.* 21. §. 16. *c.* 24. §. 16.

But for our better understanding the Condition of that People who were called in by the *Britains*, it will be most material to consider what is said of them by those who descended from them, and lived here not long after their coming.

(g) *Bede*, who was himself a *Saxon*, and lived nearest the time of the *Saxons* coming hither, must be presumed to have understood best who they were, and whence they came. And although at the beginning he makes the *Angles* and *Saxons* all one, saying, the *Angles* or *Saxons*, being invited by King *Vortigern*, came hither *in three Keels or long Boats at first*; yet when he adds, *that Numbers came afterwards*, he then distinguisheth them into *three distinct sorts of People*, viz. the *Saxons*, *Angles* and *Jutes*. The *Saxons*, he saith, *came from that Place which was then called* Saxony; *The* Angles, *from the Country called* Angulus, *which remained desart to this day, and lay between the Provinces of the* Jutes *and* Saxons. And much to the same purpose (h) *Fabius Ethelwerd*; only he saith, *that they came* de *Saxonia, Anglia* atque *Giota. Saxony*, he saith, *was then called* Ealdſexe; and for *Anglia*, he saith, *it lay between the* Saxons *and the* Gioti, whose chief Town in the *Saxon Tongue* was called *Sleſwic*, and by the *Danes*, *Haithaby*. But, by this Account, all these People who came hither to assist the *Britains*, and after conquer'd them, and possessed their Land, must come out of that *Chersonese* called *Jutland*, taking it in the largest extent, not only to the *Eidore*, but from the *Eidore* to the *Elb*. For if the *Angli* came from about *Sleſwic*, and lay between the *Jutes* and the *Old Saxons*; then the *Jutes* possessed all that part of the *Chersonese* which is now called the *Northern Jutland*: and the *Southern Jutland* takes within it all that was possessed by the *Angli*, which reached no farther than between *Sleſwic* and *Flensburgh*, which in the modern Maps is still called *Angelen*; And so the Country lying between the *Elb* and the *Eidore*, comprehending *Holstein*, *Dithmars* and *Stomar*, must be the Seat of the *Old Saxons*; which, by (i) *Adamus Bremensis* and (k) *Helmoldus*, is called *Nortalbingia*; and, by (l) *Eginhartus*, *Saxonia Transalbiana*; by (m) *Albertus Stadensis*, *Transalbia*; where the *Saxons* remained in so great Numbers *that* Charles *the Great could not totally subdue them, till after a War of above thirty years*, as the forementioned Authors assure us. And (n) *Eginhartus*, whose Authority is unquestionable, saith, *That* Charles *had no War more tedious or more fierce than that which he had with the* Saxons; *And in the conclusion of it, he was forced to remove* 10000 Saxons *on both sides the River* Elb, *and to disperse them in several Parts of the Empire.* And as to that part of *Jutland* which *Bede* saith *was left desolate to his time upon the remove of the* Angli; (o) *Adamus Bremensis* gives another Reason for it, saying, *That* Jutland *was the most uncultivated part of all* Germany, *and the least fit for humane habitation, being so barren and unfruitful, and so obnoxious*

(g) *L.* 1. *c.* 15. (h) Ethelw. *l.* 1. (i) *L.* 2. *c.* 8. (k) *L.* 1. *c.* 5. (l) *A. D.* 785. (m) *Stad. A.* 785. (n) *Vit.* Caroli. (o) *De Situ Daniæ.*

to Pirates from both Seas. But since the *Saxons*, *Angles* and *Jutes*, coming into *Britain*, took Possession of so great a part of it, as our *Historians* tell us, viz. *The* Jutes, Kent, *the Isle of* Wight *and part of* Hampshire; *The* Saxons, Sussex, Essex, Middlesex, *the South part of* Hartfordshire, Surrey, *the other part of* Hampshire, Berkshire, Wiltshire, Dorsetshire, Somersetshire, Devonshire *and part of* Cornwall; *The* Angles, Norfolk, Suffolk, Cambridge, *the Midland and Northern Counties*; It deserves to be considered whether, since there were so few Inhabitants then in *Jutland* and so many *Saxons* left behind, there be not far greater probability that these should come from all the *Maritime Coasts* from the *Rhine* to *Jutland*, than merely out of such an *unpeopled Country* as that was. I do not deny the distinction of People that *Bede* mentions, nor their coming *originally* out of *Jutland*, or rather through *Jutland*: But, I think, all Circumstances considered, it is more probable that the *Saxons*, before that time, were come nearer to the *Rhine*, and so had greater Conveniency of removing themselves over in such great Numbers into *Britain*, as they did upon *Vortigern*'s Invitation, and the Discontents which soon happen'd between the *Saxons* and the *Britains*.

And it is observable, That those who inlarge the Bounds of the *Saxons* do take notice of a difference in their Situation agreeable to what *Bede* saith; For (*p*) *Reinerus Reineccius*, a Learned *German* Antiquary, saith, *The* Saxons *were divided into three sorts*, the *Ostvali*, or the *Eastern Saxons*, whom the *Old* Saxon *Poet* calls *Osterlingi*, *whose Limits extended*, he saith, *as far as the* Slavi, *i. e.* beyond *the River* Elb: the *Westvali*, whose Bounds, he saith, *came very near the* Rhine, And between these, he saith, were the *Angarii*, just as *Bede* puts his *Angli*, between the *Jutes* and the *Saxons*.

(*p*) *De Origg. Sax. p.* 11.

Inter prædictos media Regione morantur
Angarii, *Populus* Saxonum *tertius*——

If this Division of the *Saxons* be allow'd, we have here scope enough for all those People to live in who came over into *Britain*, and number enough to come hither, and yet not to leave the Places desolate whence they came. And it is not improbable that the Northern Nations thrusting one another forwards, for a greater Conveniency of living, those *Saxons* who lived about *Holstein* might come into *Westphalia*, and so be nearest to the *Rhine*; The *Angli* came into the Place where the *Angrivarii* are seated; And the most remote Inhabitants of the *Chersonese*, would then be the *Osterlings* or the *Eastern Saxons*. This, upon the whole matter, seems to me the most probable way of reconciling what *Bede* saith with the *Circumstances* of those times, and with the *Frisians* coming in together with the *Saxons*, which he elsewhere expressly affirms, as is already shew'd.

As to the time of the *Saxons* coming into *Britain*, in the common printed Copies of *Bede*, it is said to have been *An. Dom.* 409. and so it is in the late Edition by *Chifletius*, out of the old *MS.* of *S. Maximin* at *Triers*; But that cannot be true, because *Martianus* is said to be Emperor at the same time. But in the *Chronology*, at the end of that Edition, it is said to have been *An. Dom.* 449. to which Mr. *Wheelock*'s *MS.* agrees; and *Asserius Menevensis* in his *Annals*; which is follow'd by *Fabius Ethelwerd*, the *Old* Saxon *Annals*, *William* of *Malmesbury*, *Henry*

Henry Huntingdon, *Matth. Weſtminſter*, and others. *Florentius Wigornienſis*, who generally follows *Marianus Scotus*, places it in the following year; *Valentinianus* and *Avienus Conſuls*; but, according to *Marianus Scotus*, in the *Baſil* Edition, they were *Conſuls* the year before *Martianus* was *Emperor*, and he makes their coming in to have been when *Herculanus* and *Aſporatius* were *Conſuls*, An. Dom. 453. But Archbiſhop (*q*) *Uſher* ſaith, *That appears by the* Faſti *to have been* An. Dom. 452. or the ſecond of *Martianus*, by *Caſſiodore*. Two *Characters* of the time are certain; *viz.* that it was after the *third Conſulſhip of* Aëtius, and the Death of *Theodoſius*; And therefore it is to be wondred, Mr. (*r*) *Camden* ſhould ſo confidently affirm that it was before *An. Dom.* 449. But there are three things he goes upon which muſt be conſider'd. Firſt, *That* Vortigern's *Death was before St.* German's *return*; *But St.* German *died* An. Dom. 435. *And therefore the coming in of the* Saxons *muſt be ſome time before.* As to *Vortigern*'s Death, before St. *German*'s return, he produces only the Teſtimony of *Nennius*, who, in the Affairs of *Vortigern*, doth *Romance* ſo much, That even *Geoffrey* of *Monmouth* was aſhamed to follow him. But as to the time of St. *German*'s Death, there are very convincing Arguments to prove *Camden* miſtaken. (*s*) *Honoratus*, in the Life of *Hilary*, Biſhop of *Arles*, mentions St. *German* as preſent when *Chelidonius* was depoſed by *Hilary* in his *Viſitation*; which (*t*) *Sirmondus* placeth not without Reaſon, *An. Dom.* 444. as appears by the Epiſtle of *Leo* and the Reſcript of *Valentinian* upon *Chelidonius* his *Appeal*, which bears date, *An. Dom.* 445. But which is yet more conſiderable, (*u*) *Bede* ſaith, *that after his ſecond return he went on an Embaſſy to* Ravenna, *and was there kindly received by* Valentinian *and* Placidia, *and there died*; And, not long after, *Valentinian was* killed in the ſixth of *Martianus*: And therefore St. *German*'s Death could not be ſo ſoon as Mr. *Camden* ſuppoſeth. Add to this, that *Conſtantius*, in his Life of St. *German* ſaith, *That he ſate thirty years after St.* Amator *in his See, who died* An. Dom. 418. But the *Sammarthani* ſay, *An. Dom* 420.

(*q*) *Primord. p.* 405.

(*r*) *Brit. p.* 95.

(*s*) *Vincent. bar. SS. Lerinenſ. Vit. p.* 112.

(*t*) *Concil. Gall. To.* 1. *p.* 79.

(*u*) *L.* 1. *c.* 21.

As to the Teſtimony of *Proſper Tiro*, who ſaith, *That* Britain *was brought under the Power of the* Saxons, *the* 18th *of* Theodoſius, it plainly contradicts *Gildas*; For this was before the *third Conſulſhip* of *Aëtius*, which was five years after; and in matters of the *Britiſh Hiſtory*, *Gildas* certainly deſerves the greater Credit, ſuppoſing it were the true *Proſper*.

His laſt Argument is from *the Calculation, at the end of* Nennius, on which he lays the greateſt Weight; which makes their coming in to be when *Felix* and *Taurus* were *Conſuls*, which agrees with *An. Dom.* 428. But this was near twenty years before the third *Conſulſhip* of *Aëtius*, when the *Britains* were not yet in deſpair of Aſſiſtance from the *Romans*; Before which they never ſought for the *Saxons*. And I confeſs the Authority of *Gildas* and *Bede*, with the *Seriet* of the *Britiſh* and *Roman Affairs* at that time ſway much more with me than ſuch an *Anonymous Calculation*.

It is a ſtrange miſtake of (*w*) *Hadrianus Valeſius*, to make Vortigern, *King of the* Angles, *who were hired to aſſiſt the* Britains; But the Ambiguity of the words in (*x*) *Paulus Diaconus* ſeem to have been the occaſion of it: which had been eaſily prevented by looking into *Bede*: And ſo had another miſtake in the ſame place, viz. *That only the* Angles, *and not the* Saxons, *were invited over*: For *Bede* ſaith expreſly, *That*

(*w*) *Rer. Franc. l.* 3. *p.* 143.

(*x*) *Hiſt. l.* 14.

the

the Britains, *with their King* Vortigern, *agreed to ſend for the* Saxons; But it is a third miſtake, when he ſaith, *That the* Saxons *before this time had a part of the Iſland near to the* Picts; Which he proves from the Words of *Conſtantius* as to their joining with the *Picts* in one of their Battels. But the *Saxons* did frequently make Incurſions before, and in one of them might join with the other Enemies of the *Britains*, which is a very different thing from Inhabiting in any Part of the Iſland, which we have no Evidence that they did, till they were called in by the *Britains*.

The *Saxons* having received ſuch an Invitation from the *Britains* were unwilling to let ſlip ſo fair an Opportunity of coming into that Land, by the conſent of Prince and People whoſe Shores they had ſo long infeſted. (*y*) *Bede* ſaith, *There was a particular Providence of God in it, to make them the Scourges of the Peoples wickedneſs.* (*z*) *Gildas* imputes it to *mere Sottiſhneſs and Infatuation.* (*a*) *Nennius* intimates ſome *Domeſtick Fear* that was the *Occaſion of* Vortigern's *ſending for the* Saxons, as well as that of their *common Enemies*, *i. e.* he was very apprehenſive of *a ſudden Riſing* of the *Roman Party* yet left in the *Iſland*, and of *Ambroſius*. But he leaves it wholly in the dark, who this *Ambroſius* was, and what Cauſe *Vortigern* had to be afraid of him. (*b*) *Gildas* ſpeaks of *Ambroſius Aurelianus*, as of *a modeſt Man, and as almoſt the only perſon of the* Roman *Nation then ſurviving, whoſe Parents were killed enjoying the Purple, and whoſe Poſterity was living in* Gildas *his time, but much degenerated from the Vertues of their Anceſtors.* This is the only Paſſage which gives us any light into this matter which is repeated by (*c*) *Bede*, who more plainly ſaith, *That his Parents had Royal Authority, and were killed.* Who theſe *Parents* of his were we are left only to conjecture. The (*d*) *Britiſh Hiſtory* would clear the matter, if it deſerved Credit, for there we read, *That* Aurelius Ambroſius *was one of the younger Sons of* Conſtantine, *King of* Britain, *who was forced to fly from* Vortigern *after the Murther of their Brother* Conſtans *by his Contrivance.* But we know that *Conſtantine* and his Sons, *Conſtans* and *Julian*, were killed abroad; and it is not probable the *Romans* would have permitted any one of his Sons to have remained here; or, if they did, this *Ambroſius* muſt have been of Ripe years for Government long before this time. For *Conſtantine*'s Life was taken away when *Theodoſius* was IV. *Conſul*, as *Idatius* and *Marcellinus* agree, *An. Dom.* 411. So that *Ambroſius* could not be very young when *Vortigern* took the Government, in whoſe fourth year, they ſay, *The* Saxons *were called in.* But there is another Paſſage in *Gildas* which helps to explain this: For he ſaith, *That after they found themſelves deſerted by the* Romans, *they ſet up Kings of their own, and ſoon after put them down again, and made choice of worſe in their Room*; This ſetting up of Kings he expreſſes by their *being anointed*; whether that Cuſtom were then uſed or not, it is plain, that he ſuppoſes that the *Britains*, in that Confuſion they were in, took upon them, without regard to their Duty, to place and diſplace them. But that he takes *anointing* in a *metaphorical* Senſe appears by what follows, *That the Anointers were thoſe who deſtroy'd them.* Among theſe in all probability was the Father of *Ambroſius*, and the rather becauſe, it is ſaid, *he was of* Roman *Deſcent:* For the *Britains* thought none then able to defend them that had not a *Roman Spirit* in him. At this time the *Britains* were left to their full Liberty by the *Roman* Empire, which, as (*e*) *Bede* reckons, *had the Dominion here for* 470 *years*; And then

(*y*) *L.* 1. *c.* 14.
(*z*) Gild. §. 23.
(*a*) Nenn. *c.* 28.
(*b*) Gild. §. 25.
(*c*) *L.* 1. *c.* 16.
(*d*) Galfr. *l.* 2. *c.* 6.
(*e*) *L.* 1. *c.* 11.

then there was no Line remaining to ſucceed in the Government, nor ſo much as to determine their Choice, which made them ſo eaſily to make and unmake their Kings, who loſt their Purple and their Lives together. This muſt needs breed infinite Confuſions among them; and every one who came to be King lived in perpetual fear of being ſerved as others had been before him; And the natural Conſequence of this Jealouſie of their own Subjects was, looking out for Aſſiſtance from abroad, which I doubt not was one great Reaſon of *Vortigern*'s ſending for the *Saxons*, hoping to ſecure himſelf by their means againſt his own People: although it proved at laſt the Ruin both of himſelf and his People. But this Jealouſie could not but increaſe upon them, while there was a Perſon deſcended from a former King, and of *Roman Parentage* in being; So that *Nennius* ſeems to have hit upon one of the main *Reaſons* which ſway'd *Vortigern* to ſend for the *Saxons*.

(*f*) Some have gone about to defend *Vortigern* ſo far as to ſay, *That he took the moſt prudent Courſe he could, for the benefit and ſecurity of his Subjects, by placing the* Saxons *upon the* Picts *Wall, and upon the* Kentiſh *Shores, which were thought fit to be ſecured by the* Romans. But, againſt whom? Was it not againſt theſe very *Saxons?* And is it the beſt way to ſecure the *Flock*, to ſet the *Wolves* to watch them? If they *had the Command of thoſe Shores*, could not they let in what *Numbers* they pleaſed of their own People, to ſtrengthen themſelves againſt the *Britains?* And, was this for the *Peoples Security?* What Succeſs had there been in that Age, in letting in the *Barbarous Nations* upon the ſeveral Parts of the *Roman Empire?* And what could be expected in ſuch a Condition as the *Britains* were in, otherwiſe than what did happen when a fierce, ungovernable, military People were called in to defend a Nation ſo long kept under, and wholly almoſt unacquainted with the exerciſe of *Britiſh Valour*, and unexperienced in the Arts of War? Eſpecially when the Air, Situation, Fruitfulneſs and all ſorts of Conveniencies were ſo much above thoſe of the Countrey which they came from? So that *Gildas* ſeems to have a great deal of Reaſon, when he attributes this Act of *Vortigern*'s, with a reſpect to the Nation, to mere *Sottiſhneſs* and *Infatuation*. (*f*) Hiſt. of Gavelkind, p. 40.

(*g*) *Witikindus* tells a formal Story of a Speech made by the *Britiſh Ambaſſadors* to the *Saxons*, wherein they magnify the *Saxons Courage*, and lament their own Miſeries; and in ſhort tell them, *If they would come and help them, their Land and themſelves would be at their ſervice; for they knew none more worthy to Command them, ſince the* Romans *had left them.* But neither *Bede* nor *Ethelwerd*, although both *Saxons*, mention the leaſt Promiſe of *Submiſſion*; And it is apparent by their Quarrel with the *Britains* afterwards, that they came as *Mercenary Soldiers*, upon promiſe of Pay. For (*h*) *Gildas* ſaith, *The firſt Pretence of Quarreling was for greater Allowance*, which he calls their *Epimenia*, and *Bede*, *Annonæ:* Which ſhews upon what *Terms* they came. And *Witikindus* himſelf makes no other Pretence for their Riſing againſt the *Britains*, but *that the Countrey pleaſed them, and they found they were able to ſubdue the Inhabitants.* For after *Hengiſt* and his Company had taſted the Sweetneſs of it, they never left Wheedling that weak and vicious King (as all deſcribe him) with fair Promiſes, and neceſſity of more Succours to ſecure himſelf and to defend his Countrey, till they had by degrees got over Strength enough to bid defiance to the *Britains*. At firſt they ſeem'd very zealous and hearty againſt their common Ene- (*g*) De Geſt. Sax. p. 3. (*h*) Gild. §. 23.

mies;

mies, and did great Service in beating the *Picts* and *Scots*; insomuch that (*i*) *Buchanan* confesses, *they were driven beyond* Adrian's *Wall*; And some think their King *Eugenius* was then killed. (*k*) *Fordon* saith, *They went into* Albany, *and brought away great Booty from thence*; and confesses, *that he found in a certain History, that he was killed South of* Humber, *by the* Britains *and the* English. And it is easie to imagine how insolent such a Barbarous People would grow upon their Success, when they knew the *Britains* durst not oppose them. (*l*) *Bede* saith, *That they entred into a secret League with the* Picts *and the* Scots *after they had beaten them, and then took occasion to quarrel with the* Britains; *Only they still endeavour'd to keep* Vortigern *firm to them.* To this purpose (*m*) *Nennius* tells the Story of *Hengist*'s fair Daughter *Rovena*, and how *Vortigern* was insnared by her, to the great dissatisfaction of the *Britains*. *Hector Boethius* saith, *That* Vodinus, *Bishop of* London, *was killed by* Hengist, *for reproving* Vortigern *for that Marriage*; But we must not be too strict upon *Hector* to put him to produce his *Vouchers*. And the (*n*) *British* History adds, that *Hengist, being a subtile Man*, insinuated still into *Vortigern, That his own People did not love him, and that they would depose him, and set up* Aurelius Ambrosius: And by such Arts they widen'd the Distance between him and his People, when they designed nothing less than the destruction of both.

(*i*) *Hist. l.* 5.
(*k*) *Scotichron. l.* 3. *c.* 13, 14.
(*l*) *L.* 1. *c.* 15.
(*m*) Nenn. *c.* 37.
(*n*) *L.* 3. *c.* 1.

It is certain, by what *Gildas* and *Bede* have left, that these Heats soon brake out into open Flames, to the Ruine and Desolation of the Countrey: But how the War began, and by what means it was first managed on the *British side* is not so clear. But (*o*) *Nennius* saith, *That when* Vortigern's *Wickedness grew so great as to Marry his own Daughter, he was condemned in solemn Council of the* British *Nation both Clergy and Laity, and upon the Advice of his Nobles, he withdrew himself from Affairs to a private Castle.* But the (*p*) *British History* makes it worse, viz. *That the* Britains *forsook him, and set up his Son* Vortimer, *who behaved himself with great Courage and Resolution against the* Saxons: And then reckons up *four Battels, which he fought with them*; *The first upon the* Derwent, *the second at* Episford, *or rather* Alesford, *the third upon the Sea-shore, when he drove them into their Ships, and so home*; but the fourth is not mention'd; After which *Geoffrey* relates *Vortimer*'s *being poison'd by his Mother-in-law, and the restoring of* Vortigern, *and his calling for the* Saxons *back again.* (*q*) *Nennius* speaks of *Vortimer*'s fighting with *Hengist* and *Horsus*, and adds, *his Success to have been so great, as to have driven them into the Isle of* Thanet, *and that there he besieged, and beat, and terrified them to that degree, That they sent into* Germany *for fresh Succours*; *by which they were enabled to manage the War with various success against the* Britains. And then reckons up the *three Battels*, just as *Geoffrey* doth; Only the last, he saith, was upon the *Sea-shore, juxta lapidem tituli*; a little after which, he saith, *that* Vortimer *died*, without any mention of Poyson; But, he saith, *before his Death he gave command to have his Body buried on the Sea shore, where the* Saxons *fled*; *which was neglected*, and to which *Nennius* imputes their *Return, after which they could never be driven out. Because*, as he saith, *It was the Divine Pleasure more than their own Valour which made them settle here. And it is he that Orders and Rules the Nations of the Earth*; *And who can resist his Will?* It is plain by all this, that *Nennius* consulted the Honour of the *British Nation* as much as it was possible, and no where useth that freedom which *Gildas* doth in setting forth the great

(*o*) Nenn. *c.* 39.
(*p*) *L.* 3. *c.* 2.
(*q*) Nenn. *c.* 45.

great *Sins* among them which provoked God to punish them in so severe a manner.

The Place where *Vortimer* desired to be buried is called by *Nennius*, *Lapis Tituli*; from whence (*r*) *Camden* and Archbishop (*s*) *Usher* conceive it to be *Stonar* in the *Isle of Thanet*, near *Richborrow*; but *Nennius* saith only, *It was upon the Shore of the* French Sea; From whence Mr. (*t*) *Somner* rather concludes it to be *Folkstone* in *Kent*, because of its *lofty Situation*, whereas Stonar *lies in a low and flat level, apt to Inundations*; But then *Nennius* must have mistaken *Lapis Tituli*, for *Lapis Populi*; and, I dare say, *Nennius* was guilty of greater Mistakes than that. But, he farther observes, *that in the ancient Records, the Name is not* Stonar, *but* Estonar, *which signifies the Eastern Border, Shore or Coast.*

(r) *Brit.* p. 240.
(s) *Primord.* p. 413.
(t) *Roman* Ports and Forts in *Kent* MS.

(*u*) *Matthew* of *Westminster* gives this account of these Proceedings: *That the* British *Nobility, forsaking* Vortigern, *set up* Vortimer, *who with their Assistance, pursued the* Saxons *to* Derwent, *and there killed many of them.* Which seems to have been *Darent* in *Kent*; thence *Dartford*, as (*w*) *Camden* observes, is the same with *Darenford.* But he makes Vortigern *to have fled away with the* Saxon *Army, and to have given them all the Assistance he could: And then*, saith he, Vortimer *began to restore the* Britains *Possessions to them, and to rebuild their Churches, and to shew kindness to the Churchmen.* The next Year, he saith, "The *Saxons* fought again with the *Britains* at *Ailesford*; and after a sharp "Fight the *Saxons* fled, and great Multitudes of them were slain; Not "long after *Vortimer*, with his Brothers *Catigern* and *Pascentius*, and the "whole Nation of the *Britains* made War with the *Saxons*, and in "Battel *Catigern* was killed by *Horsus*, and *Horsus* by *Vortimer*, upon "which the *Saxon* Army fled. The next Year, he saith, *Hengist* "fought three Battels with *Vortimer*, and at last he was forced to go "back into *Germany*, and four Years after, *Vortimer*, saith he, was "poison'd, *Anno Dom.* 460. and buried in *London*, and then *Vorti-* "*gern* recalled the *Saxons.*

(u) Mat. Westm. A. D. 454.
(w) *Brit.* p. 233.

(*x*) *William* of *Malmesbury* saith, "That the *Britains* and *Saxons* a- "greed for seven Years after their Landing, and then *Vortimer*, finding "their Deceit, incensed his Father and the *Britains* against them, and "so for twenty Years there was continual War and light Skirmishes, "and four pitched Battels. In the first he makes their Fortune equal, "*Horsa* being killed on one side, and *Catagis* on the other. In the "rest, the *Saxons* being always superior, and *Vortimer* dead, a Peace "was made; And so the *Britains* Affairs went ill, till *Ambrosius* re- "cover'd them.

(x) *De Gestis Reg.* l. 1. c. 1.

(*y*) *Henry* of *Huntingdon* relates this Story after a different manner: He tells us, "That *Vortigern*, after the Marriage of *Hengist*'s Daughter "was so hated, that he withdrew to the *Mountains* and *Woods*, and "that he and his Castle were consumed together. After which *Ambro-* "*sius Aurelianus*, with *Vortigern*'s two Sons, *Vortimer* and *Catigern*, fought "the *Saxons*; And he makes the first Battel at *Aileslreu* or *Elstree*, the "next after *Vortimer*'s Death at *Creganford* or *Crayford*, in which, he saith, "the *Britains* were quite beaten out of *Kent*, and from thence he be- "gins the *Saxons* Kingdom of *Kent*; The next, he saith, was at *Wippeds-* "*flede*, which was so terrible on both sides, That from thence he saith, "*That the* Saxons *and* Britains *did not disturb each other for a great while, they remaining within* Kent, *and the* Britains *quarrelling among themselves.*

(y) *Hist.* l. 2.

(z) *Chronic. A. D.* 455. (z) *Florentius Wigornienſis* therein differs from the reſt, that he makes the Battel at *Ægelſtherp* to have been between *Vortigern* and *Hengiſt*; But, he ſaith, after the Battel at *Creccanford*, the *Britains* fled to *London*, and left *Kent* to the *Saxons*: Wherein he follows the *Saxon Annals*; as he doth in the Account of the two other Battels; that at *Wippedsfleot*, and that which he calls the great *Victory* over the *Britains* by *Hengiſt* and *Æſca* his Son; which he places *Anno Dom.* 473. when he ſaith, *the* Britains *fled from the* Saxons *as from Fire.*

(a) *Chron. l.* 1. (a) *Fabius Ethelwerd* agrees with the *Saxon Annals* and *Florentius* in theſe Particulars; And ſo doth *Aſſerius* in his *MSS. Annals*, as to *Vortigern*'s fighting with *Hengiſt*. Wherein they very much differ from the *Britiſh Traditions*; But after the Tranſlation of the *Britiſh Hiſtory* by *Geoffrey*, the *Monkiſh Hiſtorians* generally follow that, as to the Succeſs of thoſe Battels, and as to the Treachery uſed towards *Vortigern* by *Hengiſt*, upon *Salisbury Plain*, near *Ambresbury*; Where it is ſaid by *Geoffrey*, that *the* Saxons *killed* 470 *of the* Britiſh *Nobility*, *under a Pretence of a Treaty of Peace*; (b) Nennius *ſaith* but 300; *and that* Vortigern *was then taken, and was forced to give* Eſtſex, Suthſex *and* Middleſex *for his Redemption.*

(b) Nenn *c.* 49.

This Story paſſes for current among the *Monks*, and our late *Collectors* of *Engliſh Hiſtory*: And that which ſeems to add moſt weight to it is, That *William* of *Malmesbury* relates it, but he reports it much as he found it in *Nennius*, only inlarging on the drinking part, that went before the *Maſſacre*. But when I find the ſame Story in effect in (c) *Witikindus*, between the *Saxons* and the *Thuringers*, and the very ſame Word given *NEM ET EOUR SEAXES*, I am apt to think one was borrowed from the other. But I cannot but take notice of the Diſingenuity of (d) *Verſtegan*, who lays this to the Charge of the *Thuringers*, whereas *Witikindus* not only ſaith, *the* Saxons *did it*, *but adds*, *That the* Saxons *ſtruck terror into their Neighbours by it*, and ſaith, *They were thought to have their Name from it*, as *Verſtegan* himſelf thinks; Which were ridiculous, unleſs the *Seaxes* belong'd to the *Saxons*.

(e) *De Geſtis Sax. l.* 1.

(d) Verſtegan. *p.* 147.

All the certainty we have as to the matter of the Proceedings between the *Britains* and *Saxons* is, what (e) *Gildas* relates, which is very Tragical, *viz.* "That all the Cities and Churches were burnt to the "Ground, from the Eaſt to the Weſtern Ocean; The Inhabitants de- "ſtroyed by the Sword or buried in the Ruines of Houſes and Altars "which were defiled with the Blood of the Slain; in which horrible "Devaſtation, the Rulers of the Church and the Prieſts ſuffered toge- "ther with the Common People. So that he applies to this Deſolati- "on the Words of the Pſalmiſt, *They have caſt Fire into thy Sanctuary*, "*they have defiled it by caſting down the dwelling Place of thy Name to the* "*Ground*. And, *O God*, *the Heathen are come into thine Inheritance*; "*thy holy Temple have they defiled*, &c. And (f) *Bede* ſaith, A Fire "was kindled by the hands of the Heathens, which executed Ven- "geance on God's People for their Sins, not unlike that of the *Chalde-* "*ans*, which burnt *Jeruſalem* to the Ground: So here, ſaith he, the "wicked Conqueror prevailing, or rather the juſt Judge ſo diſpoſing, "there ſeem'd to be one continued Flame from one Sea to another; "All publick and private Buildings demoliſhed, the Prieſts Blood ſpilt "upon the Altars, the Prelates and People deſtroy'd together by Fire "and Sword, and no Man durſt to give them Burial. Many of thoſe "that

(e) Gild. §. 24.

(f) Bed. *l.* 1. *c.* 15.

" that escaped at present, as (*g*) *Gildas* saith, had their Throats cut, " and were thrown on Heaps in the Mountains, or delivered themselves up to Slavery, to avoid being famished, and thought it a Favour to be presently dispatched, and others hid themselves among " Mountains and Rocks and Woods to escape the Fury of their Enemies, where they lived in continual Fear; and others went over into Foreign Parts: Which was the Foundation of the *Aremorican Colony of Britains*; as will appear afterwards. (*g*) Gild. §. 25.

But that which prevented a total Destruction of the *Britains* now was, that it seems both by (*h*) *Gildas* and (*i*) *Bede*, *the* Saxons *having burnt so many Cities and Towns, and driven the Remainder of the Inhabitants into inaccessible Places, did go home for some time*, " And in that " Interval, the dispersed *Britains* gathered together, and after most " earnest Supplications to God, that they might not be utterly destroyed, they made Choice of *Ambrosius Aurelianus*, as their King; and, " under his Conduct, God was pleased to give them Success: And, " from that time, saith *Gildas*, now one Party prevailed, and then another (whereby God made a farther Tryal of the *Britains*, " whether they would love him or not) to *the Battel* on *Badon Hill*, " wherein the *Saxons* suffer'd so great a Loss; Which was forty four Years after their first coming hither, as appears more plainly by *Bede*. But *Gildas* adds, " Even at this time their Cities were far from being " Inhabited as formerly; And when their Enemies gave them respite, " they desperately quarrell'd among themselves. So that we have here a Conjunction of so much Severity and Patience, such Fears and Hopes, and yet such Defeating of these Hopes, by their own Follies and Divisions, as commonly forerun a Churches Destruction and a Peoples Ruine. (*h*) Gild. §. 25. (*i*) Bed. l. 1. c. 16.

This is the best and truest Account of the *British* Affairs from the *Saxons* coming till the Government of *Ambrosius*, by which we are to judge of the probability of *Nennius* his *Traditions*.

As to the particular Conduct of the *British* Affairs under *Ambrosius*, we have little more light than what *Traditions* and Conjectures give us. However, it may not be amiss to lay together what we can find about them.

(*k*) *Nennius* saith little more of him, than that *Vortigern was afraid of him*: and afterwards he confounds him with *Merlin*, when he tells *Vortigern*, after the Story of his being without a Father, *That he concealed his Father's Name out of Fear, but that his Father was one of the* Roman *Consuls*; and so *Vortigern* gave him the Command of the Western Parts of *Britain*. (*k*) Nenn. c. 45.

But (*l*) *Geoffrey* gives a more ample account of him, not only that he was one of *Constantine*'s Sons; But that he, understanding the Condition of the *Britains*, came over from *Aremorica*, with his Brother *Uther Pendragon*, and considerable Forces, and after his Revenge upon *Vortigern*, burning him in his Castle, he makes the *Saxons* to retire beyond *Humber*, through the Terror of his Name; Whither *Aurelius* pursued them, and overcame *Hengist* in a *set Battel*, who fled to *Caer Conan* or *Conisburg*, where they fought again, and *Hengist* was taken by *Eldol*, Duke of *Glouceſter*, and beheaded by him, according to the Advice of *Eldad*, then Bishop of *Glouceſter*. (*l*) Galfr. l. 5. c. 1, 2, 3.

(m) Flores *Hiſt. A.D.* 487, 489.

(*m*) *Matthew Weſtminſter* tranſcribes theſe Paſſages out of *Geoffrey*, and puts them to ſuch years as he fanſied; but it is obſervable that he makes *Aurelius Ambroſius* to have fought the *Battel* at *Wippedsfleet* with *Hengiſt* and his Son *Æſc*, 16 years before this; which according to him was ſeven years after his coming into *Britain*: So that even *Matthew Weſtminſter* durſt not wholly rely on *Geoffrey*'s *Relation*. But, as to the death of *Hengiſt*, *Florentius* ſaith, *he died after he had reigned in* Kent *thirty four years, and* Æſca *ſucceeded him*, An. Dom. 488. The *Saxon Annals* take no notice of *Hengiſt*'s death, but place *Æſc*'s Reign *An. Dom.* 487.

(n) Huntingd. *l.* 2.

(*n*) *Henry* of *Huntingdon* ſaith, *That* Hengiſt *died the fortieth year after his coming into* Britain, the 39th ſaith *William* of *Malmesbury*. But neither of them mentions any violent Death by the hands of his Enemies, and that after a Victory by the *Britains* under *Aurelius Ambroſius*; which are ſuch Circumſtances they could not eaſily have omitted, if they had then heard of them. But if they had heard of them, and yet left them out, it is a ſhrewd Sign, they gave no Credit to them. We are then to conſider, that *Geoffrey* of *Monmouth*, according to *Leland*, flouriſhed in the time of *Henry* I. Of King *Stephen* ſay *Bale* and *Pits*; but *Leland* obſerves, *That he dedicated his Tranſlation of* Merlin *to* Alexander *Biſhop of* Lincoln, *the ſame that was* Henry *of* Huntingdon's *Patron*: And *William* of *Malmesbury* dedicates his Hiſtory to the ſame *Robert* of *Glouceſter*, Son to *Henry* I. to whom *Geoffrey* dedicates his *Tranſlation* of the *Britiſh Hiſtory*, who died 12 of King *Stephen*. So that in all probability *Geoffrey*'s Book was ſeen by both theſe *Hiſtorians*, and ſince they do not follow him where they have occaſion to mention the ſame matters, They plainly diſcover they preferr'd *Nennius* before him, whom both of them follow; but it appears by *H. Huntingdon* he then paſſed under the Name of *Gildas*.

But theſe two Hiſtorians thought it beſt for them to decline taking any publick notice of *Geoffrey*'s Hiſtory, it being ſo great a *Novelty* then, and probably enough in ſome eſteem with *Robert* of *Glouceſter*, whoſe Father; as (*o*) *Giraldus Cambrenſis* ſaith, *had lately ſubdued the* Britains *in* Wales; and ſuch a Hiſtory ſeemed to add to his Father's Glory. But after *Robert*'s death, *William* of *Newborough* very frankly delivers his Opinion of it, charging the *Original* with *Falſhood*, and the *Tranſlator* with *Inſincerity*. *Geoffrey*, in the Concluſion of his Hiſtory, mentions *William* of *Malmesbury* and *H.* of *Huntingdon*, as then Writing the *Engliſh Hiſtory*; But he bids them not to meddle with the *Britiſh* Kings, ſince they had not the *Britiſh MS.* which *Walter* of *Oxford* brought out of *Britany*. But they do not forbear to make uſe of *Nennius*; and *Huntingdon* tranſcribes ſeveral things out of him; But they do not inlarge or alter or adorn their Hiſtory in one Point from the *Britiſh MS.* although in all likelyhood ſet forth before their Death.

(o) Cambr. *l.* 2. *c.* 1.

As to what he next adds, *That after his Victory over the* Saxons, Aurelius Ambroſius *called the Princes and great Men together at* York, *and gave order for repairing the Churches which the* Saxons *deſtroyed*, there is far greater probability in it. For after the Battel at *Wippedsfleet*, which was ſeventeen years after the *Saxons* coming; *H. Huntingdon* ſaith, *Things remained quiet for a good while between the* Britains *and* Saxons; and in that time it is reaſonable to preſume that *Ambroſius* and the *Nobles* and *People* did their endavour towards the recovering the honour

nour of their *Churches*, as well as of the *Kingdom*. And after the care he took in other places, ſaith *Geoffrey*, he marched to *London*, which had ſuffered as well as other Cities; and having called the diſperſed Citizens together, he went about the repairing of it; all his deſign being the reſtoring the Church and Kingdom. From thence he went to *Wincheſter* and to *Salisbury*. And in the paſſage thither *Geoffrey* launches out to purpoſe in his *Hiſtory of* Stonehenge, *tranſlated* ſaith he, *by* Merlin *out of* Ireland, *to make a Monument for the* Britiſh *Nobles, ſlain there by* Hengiſt's *Treachery:* Which is ſuch an *Extravagancy* that it is to be wondred any ſhould follow him in it, and yet *Matt.* (*p*) *Weſtminſter* tranſcribes the main of it; and (*q*) *Walter Coventry* ſets it down for *authentick Hiſtory*; But he adds two circumſtances which make it ſeem probable that *Stonehenge* had ſome Relation to *Ambroſius*, *viz.* That here *Ambroſius* was *Crowned*, and was not long after *buried*; from whom (*r*) *Polydore Virgil* makes it the *Monument of Ambroſius*; and *John* of *Tinmouth* in the Life of *Dubricius* calls it *Mons Ambroſii:* And the Name of *Ambresbury* near it doth much confirm the probability, That it had rather a reſpect to *Ambroſius*, than either to the *Romans* or the *Danes*. But I cannot now inſiſt on this.

(*p*) Flores, *A.D* 490.
(*q*) W. Coventry *in Præfat.*
(*r*) Polyd. Virg. *Hiſt. l.* 3.

(*s*) *Matthew Weſtminſter* confirms *Geoffrey*'s Relation concerning the great Zeal of *Ambroſius* in repairing the *Britiſh Churches* every where, and ſetting up Divine Worſhip in them, and giving great incouragement to the Clergy to perform all Divine Offices, and particularly to pray for the Proſperity of the Church and Kingdom. But *Geoffrey* adds yet farther concerning him, *that in a ſolemn Council of the* Britains *he appointed two Metropolitans for the two Vacant Sees at that time*, viz. Sampſon *one of eminent piety for* York, *and* Dubricius *for* Caer-leon. This ſaith *Matt. Weſtminſter* was done *An. Dom.* 490. and he makes them both to live and flouriſh *An. Dom.* 507. But he ſaith, *That* Sampſon *was afterwards driven over to* Aremorica, *and there was Archbiſhop of* Dole *among the* Britains. For *An. Dom* 561. he ſaith, *another* Sampſon *ſucceeded in that See, the former who came out of* Great Britain *to the* Leſs. *Sigebert* of the old Edition, *An. Dom.* 566. ſpeaks of Sampſon *then Archbiſhop of* Dole, *Kinſman to* Maglorius, *who came from the* Britain *beyond the Sea to that on this ſide.* This ſecond *Sampſon*'s Life is extant in the *Bibliotheca Floriacenſis*, where he is ſaid to have been born in *Britain*, and the Scholar of *Iltutus*, and conſecrated by *Dubricius*. But (*t*) *Giraldus Cambrenſis* ſaith, *The Pall was carried over from* Wales *to* Dole, *in the time of another* Sampſon, *who was the 25th from St.* David, *and went over becauſe of the Plague which diſcoloured People like the Jaundice, and therefore called* Flava Peſtis: Which is tranſcribed by (*u*) *Roger Hovedon.* But here are ſeveral miſtakes in this Account. For there was no ſuch thing as a *Pall* then known or uſed in the *Weſtern Church*; And if this *Sampſon* went over on the occaſion of that *Plague*, there could not be 25 between St. *David* and him: For in the Life of St. *Teliaus*, St. *David*'s Siſter's Son, that *Plague* is deſcribed, and then *Sampſon* is ſaid to be *Archbiſhop* of *Dole*, and to have received *Teliaus* and his Company with great joy, having been School-fellows under *Dubricius*, and *Sampſon* being conſecrated by him. But ſtill we have two *Sampſons* Archbiſhops of *Dole*, and in the time of the great Controverſie about that Archbiſhoprick, (of which afterwards) it was a Queſtion from which the Title was derived. And *Innocent* III. as *Giraldus* relates, ſaid it was from this *Sampſon* Archbiſhop of *York:*

(*s*) Flores *Hiſt. A. D.* 488.

(*t*) *Itiner. Camb. l.* 2. *c.* 1.
(*u*) Hoveden, *p.* 454.

but

but the *Sammarthani* only mention him that came from St. *Davids*, when *Maglorius* ſucceeded among the *Aremorican Britains*; but we are not yet come to them.

(w) Huntingd. *l.* 2. It is obſerved by *H.* of (w) *Huntingdon*, that after the *Britains* had a little reſpite from their Enemies, they fell into Civil diſſenſions among themſelves, which is very agreeable to what *Gildas* had ſaid. Of this (x) Galfr. *l.* 5. *c.* 6. the (x) Britiſh *Hiſtory* gives no improbable account, when it relates that one of *Vortigern*'s Sons called *Paſcentius*, raiſed a Rebellion in the North againſt *Ambroſius* among the *Britains*, who were overcome by him, and put to flight; but afterwards he hired a *Saxon* to poiſon *Ambroſius* at *Wincheſter*. This ſaith *Matthew Weſtminſter* happen'd *An. Dom.* 497. But we are not to paſs over what he affirms of him, *An. Dom.* 485. viz *That he commanded in the Battel at* Mecredsburn *againſt* Ælla *and his Sons, in which they were ſo much worſted as to ſend home for Supplies*, as he ſaith. This *Ælla* and his Sons *Cymen*, *Plenting* and *Ciſſa* came into *Britain*, *An. Dom.* 477. and landed at a place from his eldeſt Son (y) Brit. p. 223. called *Cymenſhore*, on the Coaſts of *Suſſex*. (y) *Camden* ſaith *it hath loſt its Name*; But he proves from a *Charter* of *Cedwalla* to the Church of *Selſey* it muſt be near *Wittering*. Here *Ælla* and his Army fought the *Britains* at his firſt Landing, and forced them to retire to *Andredeſwald*, ſay the *Saxon Annals*, and *Matthew Weſtminſter*, *Florentius* and *Huntingdon*. The *Saxon Annals* and *Huntingdon* call it *Andredeſleage:* by that no queſtion is meant the vaſt *Wood* which began in *Kent*, and ran through *Suſſex* into *Hampſhire*, called by the *Britains Coid Andred*, by the *Saxons Andred*, and *Andreſwald*; from whence as Mr. *Somner* obſerves, that part of *Kent* where the Wood ſtood is ſtill (z) Perambulation of Kent, p. 211. called the *Weald*; and (z) *Lambard* obſerves, *that no Monuments of Antiquity are to be met with in the* Weald *either of* Kent *or* Suſſex. The *Saxons* after this Battel continued to inhabit on the *Shore*, till at laſt the *Britains* finding them to incroach farther, reſolved to fight them at a place called *Mecredsburn*. And a different account is given of the Succeſs of this Battel: The *Saxon* Annals and *Ethelwerd* only mention it, boaſting of no Victory; *Florentius* makes it *a clear Victory on the* Saxon *ſide:* Matthew Weſtminſter *ſaith* Ælla *quitted the field, but confeſſeth the* Britains *had great loſs:* H. *of* Huntingdon *ſaith, It was a drawn Battel, both Armies having ſuſtained great damage and avoiding each other.* After this *Ælla* and *Ciſſa*, ſay the *Saxon* Annals, *beſieged* Andredeſceſter *and killed all the Inhabitants, leaving not one* Britain (a) Matt. Weſt. *A. D.* 492. *alive*; and ſo *Florentius* and *Matthew Weſtminſter* relate it. But he (a) ſaith, *That the* Britains *came out of the Wood, and galled the* Saxons *ſo much, that they were forced to divide their Army; and the Inhabitants periſhed by a Famine as well as by the Sword:* And he obſerves *that the* Saxons *utterly demoliſhed the City, and the place where it ſtood was in his time ſhewed to Travellers.* Therefore the queſtion among our Antiquaries which was the *Anderida* of the Ancients, *Newenden* or *Haſtings* or *Pemſey* is quite out of doors, unleſs one of theſe be proved to be built in the place of *Anderida* ſince *Matthew Weſtminſter*'s days; which were (b) Brit. p. 247. towards the end of *Edw.* III. Thoſe words (b) *Camden* applies only to *H.* of *Huntingdon*, and he ſaith *it was new built in* Edw. I. *his time, and therefore called* Newenden; but they are likewiſe *Matthew Weſtminſter*'s who lived after that time, and therefore it cannot be *Newenden* if it were rebuilt in the time of *Edw.* I. for he ſaith, *The deſolate place was ſhewed in his time*; unleſs one tranſcribed the other, without any regard to the difference of their own times. After

After *Ambroſius* his death, according to the (c) *Britiſh Hiſtory*, his Brother *Uther Pendragon* ſucceeded, who routed the *Saxons* in the *North*, relieved *York* beſieged by them, took the Sons of *Hengiſt* Priſoners marched to *London*, and there called a *Parliament*, and was ſolemnly Crowned, and fell out with *Goalois* Duke of *Cornwall*, about his Wife *Igerna*, and under his ſhape had King *Arthur* by her; but her Husband was killed at the Siege of his Caſtle. After which it is ſaid, that he overcame the *Saxons* at *Verulam*, where he was after poiſoned by their means, and his Son *Arthur* ſucceeded. (c) Galfr. l. 6. c. 2.

This is the ſumm of what is there more at large related; but taking it all together, it is a very blind and partial account of the proceedings between the *Britains* and *Saxons* of that time. For even *Matthew Weſtminſter*, *An. Dom.* 494. takes notice of *Cerdic* and *Kenric* his Son, Landing with new Forces at a place called from him *Cerdicſhore*, (near *Yarmouth* ſaith (d) *Camden* where the name *Cerdicſand* ſtill remains) and fought the *Britains* at their firſt Landing, till they were forced to withdraw and leave room for them, who after went into the Weſtern parts, and laid the foundation of the Kingdom of the *Weſt Saxons*. To the ſame purpoſe *Florentius*, *Ethelwerd* and *Huntingdon*. Seven years after him came *Port* and his two Sons *Bleda* and *Magla*, and arrived at *Portſmouth*, which had its Name from him, as the ſame Authors inform us from the *Saxon* Annals. Now how comes *Geoffrey* to think of none of theſe, but only of *Hengiſt*'s two Sons in the North? Beſides, he let ſlip one of the greateſt Battels that was fought between *Cerdic* and *Nathanleod*, and pretends to give no account at all of it. This the *Saxon* Annals, *Florentius*, *Ethelwerd* and *Matthew Weſtminſter* all place *An. Dom.* 508. But *Huntingdon* the ſixtieth year after the firſt coming of the *Saxons*. This *Nazaleod*, as he calls him, was *the greateſt King of the* Britains, *one of great Fame and Pride*, from whom the Country about *Charford* did take its Name. At this place the whole Forces of the *Britains* were gathered together, and *Cerdic* procured aſſiſtance from *Æſc* of *Kent*, from *Ælla* of *Suſſex*, from *Port* and his Sons; ſo that here was a pitched Battel of the Strength of both ſides; and *Nazaleod* behaved himſelf with ſo much Courage, that he drove *Cerdic* out of the Field, and purſued him; which his Son who commanded the other Wing perceiving, followed him cloſe and cut him off, and 5000 of his Men who fled upon the death of their King. And from this memorable Battel, the Place was called *Cerdicsford*, and ſince *Charford*, upon the *Aven* between *Salisbury* and *Ringwood*. But who was *this mighty King of the* Britains, who loſt his Life in this Battel? (e) Mr. *Camden* profeſſes *he cannot gueſs*; unleſs it were *Aurelius Ambroſius*, whoſe Name he obſerves the *Saxon* Annaliſts never mention, nor the Battels wherein they were worſted. And the *Britiſh* Hiſtory is even with them for that, which takes no notice of this great Fight, wherein their King was ſlain. *Matthew Weſtminſter* will not have him to be *King*, but only to be *General* under *Uther*, who was then ſick, which contradicts *Ethelwerd*, and *Huntingdon*, and *Florentius*, who affirm him to have been then *King*, and as *Huntingdon* ſaith *Rex Maximus Britannorum*; which ſeems to imply, that there were more *Kings* then among the *Britains*, as there were among the *Saxons*; and that one was the *Chief* as in the *Heptarchy*. Archbiſhop (f) *Uſher* thinks this King was the ſame whom the *Britiſh* Hiſtory calls *Uther*, and that *Nathanleod* was his true Name, and *Uther* was a Nick-name to denote his (d) Brit. p. 348. (e) Brit. p. 187. (f) Prim. p. 466.

fierce-

(g) Nenn. c. 63. *fierceneſs*, as the Annotator on (g) *Nennius* calls *Arthur Mab Uter* in the *Britiſh* Tongue for the ſame reaſon: And ſo *Arthurus* in *Latine* from the *Britiſh Arth*, which ſignifies *a Bear*. This is an ingenious Conjecture: But we are not ſo ſure there ever was ſuch a King as *Uther*, as we are from *Gildas*, that there was ſuch a one as *Ambroſius*; But *Gildas* ſaith, *That ſome of the Race of* Ambroſius *were living in his time*; therefore he died not without Iſſue, as the *Britiſh* Hiſtory ſuppoſes, and this might probably be his *Son*, who was ſlain in this *Battel*.

But what then is to be ſaid to King *Arthur*, who was Son to *Uther*, and ſucceeded him, whoſe mighty Feats are ſo amply related by the *Britiſh Hiſtory?* I think both ſorts are to blame about him, I mean thoſe who tell *incredible Tales* of him, ſuch as are utterly inconſiſtent with the *Circumſtances* of the *Brittiſh Affairs* at that time; and thoſe who deny there was any ſuch Perſon, or of any conſiderable *Power* among the *Britains*. *William* of *Malmesbury* takes notice of the *Britiſh* Fables about him, (and if I miſtake not makes a ſevere Reflexion upon *Geofrey*'s Hiſtory without naming it, when he ſaith, *Hic eſt Arthurus de quo Britonum Nugæ hodiéq; delirant*) but he wiſhes a true Account had been given of him, *for he was the ſupport of his Countrey for a long time, who ſharpned the broken Spirits of the* Britains, *and made them Warlike*. But after all, he will not allow him to have been *Monarch* in *Britain*, but only the *General* under *Ambroſius*. And in all this *William* keeps cloſe to *Nennius*; for *Nennius* ſpeaking of the Wars between the *Britiſh* Kings and the *Saxons*, ſaith of *Arthur*, *Ipſe Dux erat Bellorum*; although he exceeds the bounds of Truth in the next Words, *& in omnibus Bellis Victor extitit*, he came off always Conqueror. If this had been true, the *Saxons* could never have kept footing in *England*. I will allow the *Saxon* Annals to be partial in not recounting their Loſſes; and on the other ſide it is unreaſonable to ſuppoſe, that the *Saxons* ſhould be always beaten, and yet always get Ground even in *Arthur*'s Days. For after the great Battel wherein *Nathanleod* was killed, (the only *Britiſh* King mentioned in the *Saxon* Annals) *Cerdic*'s two Nephews, *Stuff* and *Witgar*, landed upon *Cerdicſhore*, which (h) Mat. Weſtm. A.D. 514. (h) *Matt. Weſtminſter* here places on the *Weſtern Coaſts* (and not on the *Eaſtern* as *Camden* doth, which ſeems more probable, becauſe they came with Supplies to *Cerdic* their Uncle) but all agree, that as they fought upon their Landing, they had the better of the *Britains*; *Huntingdon* ſaith, *It was ſuch a Victory as laid open the Countrey to them*; *the force of the* Britains *being ſcattered, God having caſt them off*. Where was *Arthur* at this time? Again, five Years after ſaith *Ethelwerd*, *Cerdic* and *Cenric*, came the ſecond time to *Cerdicsford*, and there fought the *Britains*; the *Saxon* Annals ſay nothing of the *Victory*, but *Florentius* gives it to the *Saxons*, and ſo doth *Huntingdon*, who ſaith, *the* Britains *had a terrible Blow that Day*. And as an Evidence of the *Saxons* Conqueſt, *Ethelwerd* ſaith, *That Year* Cerdic *began the Kingdom of the* Weſt Saxons; From that very day ſaith *Huntingdon*, *Anno Dom.* 519. Here *Matt. Weſtminſter* is ſo hard put to it, that taking in King *Arthur* at *Anno Dom.* 516. he is forced to leave out this Battel, and to tell *Geoffrey*'s Story of King *Arthur*'s beating the *Saxons* in the *North* about *York* and *Lincoln*, and driving them as far as the *Caledonian Wood*, and takes no notice of *Kerdic*'s ſetting up a *Kingdom in the Weſt*: But the following Year, *Anno Dom.* 520. he brings *Colgrin*, *Badulph* and *Cheldric* to *Totnes* with new Forces, with which they beſieged *Bath*; And then

Arthur

Arthur with his *Caliburn* did incredible Execution, for he ſaith, *he killed* 840 *with his own Hands, and ſo totally routed the* Saxons; and not a Word of *Kerdic* or *Kenric*, whereas *Anno Dom.* 528. he remembers them again, and tells what a mighty Army they had in the Iſle of *Wight*, which *H. Huntingdon* calls *Witland*, and what ſlaughter they made at *Witgaresburgh*, which had its Name from *Witgar*, one of *Kerdic*'s Nephews, to whom he gave the Iſle of *Wight*, and was buried at *Witgar* ſaith *Huntingdon*.

But before this there was another *Battel* between *Kerdic* and the *Britains* at *Cerdicſleage*; which *Huntingdon* makes the ſame with *Cerdicsford*, in which there was great Slaughter on both ſides, *and in that time*, he ſaith, *many* Saxons *came in out of* Germany *into* Eaſtangle *and* Mercia, but they were not yet formed into Kingdoms; however, innumerable *Battels* were fought in many Places by Perſons whoſe Names are not recorded. And now *Huntingdon* mentions *Arthur*, as a *moſt valiant General on the* Britiſh *ſide, who commanded in twelve Battels, in all which he had the better*; and ſo reckons them up in order juſt as (*i*) *Nennius* had done, whom he tranſcribes, and when he hath ſet down the Places of the twelve *Battels* he confeſſes they were then unknown, but he adds, *that there was almoſt perpetual fighting, in which ſometimes one ſide had the better and ſometimes the other*; but ſtill the *Saxons* poured in greater *Numbers* upon them: And (*k*) *Nennius* ſaith, *They increaſed here without intermiſſion, and fetched new Kings out of* Germany *to Rule over them.* And then ſets down the Foundation of the *Northern Saxon* Kingdom under *Ida*, who govern'd all beyond *Humber* twelve Years, which was branched into two, *Deira* and *Bernicia*. This *Kingdom* began, ſaith *Huntingdon*, in the 13*th* Year of the Reign of *Kenric* (who ſucceeded *Kerdic*) *Anno Dom.* 547. and *Ida* deſcended from *Woden* was the firſt *King*. *Kenric* in his 18*th* Year, ſaith the ſame Author, fought againſt the *Britains*, who came with a powerful Army to *Salisbury*, where he diſperſed them and made them fly. But this is ſuppoſed to have hapned after *Arthur*'s Death, which is placed by *Matt. Weſtminſter* and others, *Anno Dom.* 542.

(*i*) Nenn. c. 64.

(*k*) Nenn. c. 65.

c. 66.

We muſt therefore look back to judge of *Arthur*'s Proweſs. We have already ſeen ſeveral *Saxon* Kingdoms eſtabliſhed, that of *Kent*, of *South-Saxons*, of *Weſt-Saxons* and *Saxons* in other Parts, not yet gather'd into *Kingdoms*; and beſides theſe, before *Kerdic* had gained the *Iſle of Wight*, *H. Huntingdon* ſaith, *The Kingdom of Eaſt* Saxons *was founded by* Erkinwin, *whom* Slede *ſucceeded, who married the Daughter of* Ermenerick, *King of* Kent, *Siſter of* Ethelbert, *and Mother to* Sibert *the firſt Chriſtian King there.* Now, if *Arthur* were a King ſo powerful, ſo irreſiſtible as the *Britiſh Hiſtory* makes him, how came all theſe *Kingdoms* to grow up under him? Why did he not ſend the *Saxons* all out of *Britain?* Nay, how came *Cerdic* and *Kenric* to grow ſo ſtrong in the *Weſtern Parts* as they did? *Cerdic*, ſaith (*l*) *William* of *Malmesbury*, came hither 8 Years after the death of *Hengiſt*, *Anno Dom.* 495. He was here 24 Years before he ſet up his Kingdom, and lived in it 16 Years. This was in the midſt of *Arthur*'s Fame and Greatneſs. If it were ſuch as *Geoffrey* deſcribes, would he have ſuffered ſuch a Terror to the *Britains* to have been ſo near him? (*m*) *Ranulphus Higden* ſaith, *That* Arthur *was ſo tired out with fighting* Cerdic, (ſo weary of overcoming) *that* 26 *Years after his coming he yielded part of*

(*l*) De Geſtis Reg. l. 1. c. 2.

(*m*) Polychr. l. 5. c. 6.

the West to him: And to the same purpose (*n*) *Rudburn* speaks. What is the meaning of all this? The plain truth is, they follow'd *Geoffrey* as far as they could, but they found at last they must give away *Kerdic*'s Kingdom to him; and so they had better make it a *free Act* of King *Arthur*.

(n) *Chronic. l. 2. c. 1.*

Let us now compare with this, the Account the *British History* gives of him; which is this in short.

(o) *Galf. l. 7.*

(*o*) "After the death of *Uther Pendragon*, the *British* Nobility met "at *Silcester*, where they desired *Dubricius* to consecrate *Arthur*: For "the *Saxons* had conquer'd from *Humber* to *Cathnes*. (It seems all "clear on this side *Humber*.) And so he was no sooner Crown'd but "away he marches for *York*, (leaving the *Saxons* here in quiet pos-"session.) where *Childeric* came with 600 Ships to assist the two Bro-"thers *Colgrin* and *Baldulph* (whose Names the *Saxon* Annals con-"ceal.) Upon this dreadful Conjunction *Arthur* repairs to *London*, "and calls a *Parliament*: And they send over to *Hoel* King of *Little-*"*Britain*, his *Nephew*, and who brings 15000 to his assistance at *Sou-*"*thampton*, (notwithstanding *Port* and his Sons were so near) then "away he marches for *Lincoln*, and there kills 6000 *Saxons*, and pur-"sued the rest into *Scotland*, and there dismissed them home upon pro-"mise of *Tribute*; but they perfidiously returned to *Totnes*, and so "marched to besiege *Bath*: Where after he had done the execution "*Matt. Westminster* related, the *Saxons* get upon the Hill, which *Ar-*"*thur* by the help of his *Caliburn* recover'd, killed the two Brothers, "and made *Childeric* fly, whom *Cador* pursued to the Isle of *Thanet*, "(although the Son of *Hengist* had all *Kent* as his Kingdom.) After "this he drives *Gillomarus* and his *Irish* home; and determined to root "out the *Scots* and *Picts*, but upon great Submission he spared them. "This being done he returns to *York*, where he rebuilds the Churches, "and settles *Pyramus Archbishop* in the place of *Samson*, and restores the "*British* Nobility. Next Summer he goes for *Ireland*, and having "subdued that, he sails for *Iseland*, (not then inhabited saith (*p*) "*Arngrimus Jonas* a Learned Native there) but upon notice of his "coming, the Kings of *Seland* and the *Orcades* yielded themselves. "Then he returns home and settles the Nation in a firm Peace for 12 "Years. (although the *Saxons* were every where about them.) Af-"ter which time, his Name was dreaded abroad, and away he sails for "*Norway*, and there conquer'd *Riculfus* and the whole Countrey: from "thence to *Gaul*, where he chopt in pieces the Head of *Flollos* the "Governor in single Combat, and disposed the several Provinces to "his Servants, and returning home resolved to keep a solemn Court "at *Caer-leon*, (this was well thought upon, for we read of no *Sa-*"*xons* thereabouts) where besides several Kings the three Metropoli-"tans met, of *London*, *York* and *Caerleon*, besides all his Nobility. "But to pass over the great Solemnities there, the Emperor *Lucius* "(not to be found elsewhere) sends to demand Tribute on the account "of *Julius Cæsar*'s Conquest, upon which he makes great Preparations "to conquer *Rome*; and leaves *Britain* to *Mordred* his Nephew, who "rebelled against him, and forced him to return home, when, after "he had conquered *Lucius*, he was marching for *Rome*; and here "*Mordred* had associated *Saxons*, *Scots* and *Picts*, all against *Arthur*; "but upon his coming the other fled to *Winchester*, from thence to "*Cornwall*, where near the River *Camblan* he waited for *Arthur*'s com-

(p) *Crymog. l. 1. c. 2.*

"ing,

" ing, the iſſue of the Battel *Mordred* was killed, and *Arthur* mor-
" tally wounded, who was carried into the *Iſland* of *Avalon*, and
" there died and was buried.

This is the *Britiſh* Legend of King *Arthur*, which hath raiſed the laughter of ſome, and the indignation of others. *William* of *Newburgh* was the firſt who openly and in plain terms charged it with *falſity* and *inconſiſtency*; but againſt ſome parts of it he makes *trifling objections*; as about the *three Archbiſhops*, denying that the *Britains* had any *Archbiſhops*, becauſe the firſt *Pall* was given to *Auguſtine* the *Monk*. But this was a piece of Monkiſh ignorance in him, for there were *Metropolitans* before, and without *Palls* from *Rome*; and *Archbiſhops* or *Metropolitans* did aſſume the uſe of *Palls* to themſelves, without asking the *Pope*'s leave; and when he ſaith *Archbiſhops came ſo late into the Weſtern Churches*, it is true the uſe of the *word* did, but the *jurisdiction* over *Provinces* was long before, as I have already ſhew'd.

Upon the reviving of Learning ſome were ſo offended at this *ridiculous Legend*, that they queſtioned whether ever there were ſuch a Perſon as *Arthur*, againſt whom *Leland* undertook the defence of King *Arthur*. But ſome of his *Authors* will not be allow'd to bear witneſs in this cauſe, being partial followers of *Geoffrey*; ſuch as *Alfred* of *Beverly*, *Gray* the Author of *Scalæ-Chronicon*, *Joh. Burgenſis*, *Joh. Roſs*, *&c.* Others do not ſpeak home to the point, ſuch are the Teſtimonies of *Nennius*, *Malmesbury*, *Huntingdon*, which make him only *General of the* Britiſh *Forces:* others are too *modern*, as *Trithemius*, *Volaterranus*, *Philippus Bergomas*, *Nauclerus*, *Hector Boethius*, *Pontius Virunnius*, *&c.* Others overthrow the main part of it, as to Arthur's *Sovereign Dominion in* Britain, as the (*q*) *Chronica Divionenſis*, which ſaith, *That after ſeveral Combats* Cerdic *had the poſſeſſion of the Weſt* Saxon *Kingdom by* Arthur's *Conſent:* and as parts of this Kingdom he reckons *Seven whole Provinces from* Surry *to* Cornwall. But the *Britiſh Hiſtory* takes no notice of *Cerdic*, but ſuppoſes all under *Arthur*'s command, and his Nephew *Mordred*'s in his abſence. If *Cerdic* had the *Weſt*-Saxon *Kingdom*, then how comes no notice of him in the Battel at *Camblan?* how came the fight within his Territories? Again, the *Author* of the Life of *Gildas* cited by him, ſaith, *That one* Meluas *had ſtollen his Wife* Guenhere, *and defiled her, and that* Arthur *a long time beſieged him in the Marſhes near* Glaſſenbury. Is this agreeable to the mighty power of King *Arthur*, to have his Queen detained by force ſo long by ſuch an inconſiderable Perſon as *Meluas?* Eſpecially if it were as *Caradoc* of *Lancarvan* there ſaith, *She was reſtored at laſt, more by the intreaty of* Gildas *than out of reſpect to* Arthur's *Authority*. As to *Arthur*'s Seal which he lays ſo much weight upon, it certainly belonged to the *Diploma* he gave to the *Univerſity of* Cambridge, in his time, mentioned by *Leland*; and the *Church* of *Weſtminſter*, if they have it ſtill, ought to reſtore it. But after all *Leland* hath ſufficiently proved, That there was ſuch a Perſon as King *Arthur* from the *Cair-Arture* in *Wales*, two Mountains ſo called; And *Arthur*'s Gate in *Mongomery*; and the abundant Teſtimony he brings about his Coffin in Lead found in *Glaſſenbury*, either in *Henry* the Second's time, or at leaſt in the beginning of *Richard* the Firſt, with an *Inſcription* ſet down often by him, and more exactly by (*r*) *Camden*. Where the Letters appear very rude, and the *Inſcription* very plain, and therefore more likely to be true.

(*q*) *Aſſert. Arthuri*, p. 4, 5.

p. 24.

p. 8.

p. 12.

(*r*) *Brit.* p. 166.

HIC JACET SEPULTUS INCLITUS REX ARTURIUS IN INSULA AVALONIA.

Where are all the Noble Titles given him in the *Britiſh Hiſtory* and contained in the *Inſcription* about his Seal?

PATRICIUS ARTURIUS BRITANNIÆ, GALLIÆ, GERMANIÆ, DACIÆ, IMPERATOR.

So much greater a Man was *Arthur* living, when he uſed his Seal, than dead, when ſo mean an *Inſcription* was put upon the lower part of his *Leaden Coffin!* How ſoon were all his great Titles forgotten!

(s) *Hiſt. Brit. Defenſ. p.* p. 109. But ſince *Leland*, Sir *John* (s) *Price* hath undertaken to vindicate the Story of King *Arthur*: and the firſt Argument he uſes is from the *Inſcription* on his *Coffin*, and the *Antiquity* of the Letters; but the modeſty of the *Inſcription* is a better Argument to me, for if the *Monks* deſigned a Cheat in *Henry* II. his time, and laid this *Coffin* there on purpoſe to deceive, they might counterfeit ſuch Letters, but they could never have held from ſpeaking more glorious things of ſo great a *Heroe*.

p. 117. Then he produces the Teſtimonies of *Nennius*, *Malmesbury* and *Huntingdon*, and proves that theſe two could not take out of *Geoffrey*; that they did not I grant, but the other is not proved. The Verſes of *Thaliaſin* (who he ſaith lived in the time of *Maglocunus* mentioned

p. 120. by *Gildas*) do prove *That* Arthur *commanded in the Battel at* Badon *Hill*, which I ſee no reaſon to queſtion; but *Polydore Virgil* will have *Aurelius Ambroſius* to do it, which I ſee no reaſon to believe.

p. 121. Beſides, he quotes old *Britiſh Chronicles*, which reckon from *Vortigern* to the Battel on *Badon* Hill, wherein *Arthur* beat the *Saxons*, 128 years; from that *Battel* to the *Battel* at *Camblan* wherein *Arthur* was killed, 22 years. And he finds the Name of *Arthur* in many ancient

p. 125. *Britiſh Poems*; and in the old *Regiſter* of *Landaff*: But that only proves, *there was one* Arthur, *whoſe Son's Name was* Noe; but what is more

p. 128. material, he finds ſome paſſages agreeing with *Geoffrey* in the old *Chronicles* of St. *Davids* and *Caer-Mardin*, as to his fighting againſt *Lucius Hiberus* in *Burgundy*, and the Battel at *Camblan*; but it doth not appear, that theſe *Chronicles* were before *Geoffrey*'s time. As to *King*

p. 129. Arthur's *Crown and Seal*, they may go together, But as to *Gildas* his ſilence, from whence ſome would prove that there was no ſuch Perſon, he anſwers from *Giraldus*, that Arthur *having killed his Brother*

p. 141. Hoel, *he purpoſely left him out*, which is no clear anſwer; For if *Gildas* did this in revenge, he would rather have mentioned his *Cruelty*, as we ſee he ſpares not the Kings of his own time. But his better Anſwer is, *That* Gildas *deſign'd no Hiſtory, but a ſerious exhortation to the* Britains *to repent of their Sins, and therefore paſſes over other things, only by the by mentioning* Ambroſius Aurelianus, *and addreſſes himſelf to his main buſineſs*; which is reaſon enough why he never names King *Arthur*.

(t) *Scotic. l.* 4. *c.* 25. *Joh.* (t) *Fordon* follows *Geoffrey*, as far as he thinks conſiſtent with the honour of his Country. This appears in the Story of King *Arthur*; for he ſaith, *he was ſet up by a Faction againſt the lawful Heirs, who were* Mordred *and* Walwan, *the Sons of* Uther's *Daughter by* Loth, *then a great Man in* Scotland; *but deſcended from* Fulgentius; but he after

after excuses it, *on the account of necessity*; which *Dubricius* alledged, *they being then under age so much, as not to be able to go into the Field.* But he justifies *Mordred*'s Rebellion afterwards against *Arthur* on this ground, *that he had the right Title to the Crown.* (*u*) *Hector Boethius* saith, That *Lothius* put in his claim, according to the *ancient Law of the* Britains, and that he ought to have the *Regency* during the *Minority* of his Sons; But the *Britains* would by no means hear of *Strangers* coming to their *Crown*; and so *Arthur* took possession of it; who first conquer'd the *Saxons* 10 Miles from *London*, then took *London* (which it seems the *Saxons* had before) and so went towards *Humber*; and then he goes on with the *British History*, only interspersing some *News* of his own. Particularly he tells *what a profane Christmas* Arthur *kept with his Nobles at* York *for thirteen days together*; *And that such Jollity and Feasting then had its original from him.* (*w*) *Buchanan* is so pleased with this notable observation, that he sets it down for good History; saying upon it, *that the old* Saturnalia *were renewed, only the Days increased, and* Saturn's *Name changed to* Cæsar's, *for*, saith he, *we call that Feast* Julia. But why should the Name of *Saturn* be changed into *Cæsar's*, Was he worshipped for a God among the *British Christians*, as *Saturn* was among the *Old Pagans? But the Name* Julia *imports it*: by no means. For *Buchanan* doth not prove that this *Name* was ever used for that Festival among the *Britains*; And the *Saxons* who brought in both the *Feast* and the *Name* give another reason for it. For (*x*) *Bede* saith, *That* December *was called* Giuli *from the conversion of the Sun and the increase of the days.* And *Giul*, as (*y*) *Loccenius* observes, signified *a Wheel*, or any thing *that turns round*, in the *Gothick Language.* At which time among the Northern Nations, the *Feast* of the *New-year* was observed with more than *ordinary jollity*; thence as (*z*) *Olaus Wormius* and (*a*) *Scheffer* observe they reckon'd their *Age* by so many *Iola*'s, and *Snorro Sturleson* describes this *New-years Feast*, just as *Buchanan* sets out the *British Saturnalia*, by *feasting and sending Presents or New-years Gifts to one another*: Thence some think the Name of this *Feast* was taken from *Iola*, which in the *Gothick Language* signifies *to make merry.* But (*b*) *Olaus Rudbeck* thinks the former more proper, not only from *Bede*'s Authority, but because in the old *Runick Fasti* a *Wheel* was used to denote that *Festival*: And as he observes, *this Festival continued twelve days from their first of* Juul. The true reason whereof was, as *Olaus Rudbeck* at large proves, from the *Joy* they had at the hopes of *the return of the Sun*; at which time they made *Solemn Sacrifices* to the *Sun.* But after *Christianity* prevailed, all their *Idolatrous Sacrifices* were laid aside, and this time of *Feasting* was joined with the *Religious Solemnities* of that Season, which in other parts of the World were observed by *Christians.* Which is certainly a very different thing from the *Roman Saturnalia*, although *Buchanan* thought fit to parallel them.

(*u*) *Hist. Scot. l. 9. p. 164.*

(*w*) Buch. *l. 5. p. 44.*

(*x*) *De ratione Temp. c. 13.*

(*y*) *Antiq. Suec. Goth. l. 1. c. 5.*

(*z*) *Fasti Danici l. 1. c. 12.*

(*a*) Upsal. *c. 16.*

(*b*) *Atlantic. c. 5. p. 125.*

p. 100.

But to proceed with the Story of King *Arthur*, as it is in *Buchanan*, who takes his Materials from *Hector*, and puts them into a finer dress. *Arthur*, he saith, *made a League with the* Scots *and* Picts, *and* Lothus *brought his Sons to him: And then a resolution was taken to drive out the* Saxons, *and to restore Christianity*; *Then follow'd the Battel against* Colgrin; of which before: And the rest of *Arthur*'s Battels: But upon the whole, he concludes *that* Geoffrey's *Relations have no colour of Truth*; and yet he makes use of no other, but where he follows *Hector*'s

Ctor's own inventions. The remainder of his Story is, "That things "being quieted here, *Arthur* goes over into *Leſſer Britain*, and leaves "the *Government* to his Nephew *Mordred*; But while he was abroad, "ſome had prevailed with him to declare *Conſtantine* the Son of *Cador* "his Succeſſor being born in *Britain*; which being done, *Mordred* ſet "up for himſelf, and in a Battel about *Humber*, ſaith he, *Mordred* was "killed, and *Arthur* mortally wounded. Thus *Buchanan* having picked what he thought fit of *Hector*, concludes with a bitter *Invective* againſt the fabulous Relations about *Arthur*; But he gives him an extraordinary Character, ſaying, *he was certainly a great Man, of mighty Courage and wonderful kindneſs to his Country, preſerving them from Slavery, and keeping up or reſtoring the true Religion.*

And that is the Subject I am now to conſider, *viz.* The *State of Religion here in King* Arthur's *days.* It was under great Perſecution almoſt where-ever the *Saxons* came, who were cruel both to the Bodies and Souls of the poor *Britains:* Moſt of the Southern and Weſtern parts were under their *Tyranny*, and (*c*) *Brian Twyne* quotes a paſſage out of *Matthew Weſtminſter*, which is not ſo full in the printed Copies, concerning the *Perſecution* of the *Britiſh Chriſtians* in the *Eaſtern parts* of the Land. *For*, ſaith he, *An. Dom.* 527. *The Pagans came out of* Germany, *and took poſſeſſion of the Country of the* Eaſt-Angles, & omni crudelitatis genere Chriſtianos affecerunt, *They tormented the Chriſtians with all ſorts of Cruelty.* Although this be wanting in other Copies, yet it may be reaſonably preſumed, The *Saxons* uſing the *Britiſh Chriſtians* in ſuch a manner in the moſt places where they prevailed. It is true that (*d*) *Malmesbury* ſaith, *many of the* Britains *ſubmitted to* Cerdic, and it is probable they were the better uſed for doing ſo. *Thomas* (*e*) *Rudburn* ſaith, *That* Cerdic *allow'd Liberty of profeſſing the Chriſtian Religion to the* Corniſh *upon a certain Tribute.* I rather think that *Cerdic* never went ſo far, but left that part to the *Britains*, who ſtill continued there: For in *Gildas* his time *Conſtantine* is ſaid to be King of the *Dammonii:* and (*f*) *Camden* obſerves out of *Marianus Scotus*, that *An. Dom.* 820. *the* Britains *and* Saxons *had a terrible Fight at* Camelford *in* Cornwall, which *Leland* thinks to have been *Camblan*, where King *Arthur* fought with *Mordred*, and near which is *a Stone*, ſaith Mr. (*g*) *Carew*, *which bears* Arthur's *Name*; but now called *Atry.* To prove what I have ſaid, that the *Weſt-Saxon Kingdom* did not extend to *Cornwall*, we may obſerve that, (*h*) *William* of *Malmesbury* ſaith, *That* Ceaulin, *Grandchild to* Cerdic, *was the firſt who took* Glouceſter, Ciceſter *and* Bath *from the* Britains, *and drove them thence into the Rockey and Woody places:* And in the time of *Athelſtan*, above 400 years after the coming of the *Saxons*; the *Corniſh Britains* did inhabit in *Exceter*, and were driven thence by him beyond the River *Tamar*, and confined by that, as the other *Britains* were by the *Wye.* This ſhews that the *Britains* in *Cornwall*, and thereabouts, were free from the *Yoke* of the *Weſt-Saxon Kingdom.* As to the *Northern Britains*, they came to ſome agreement after a while with *Occa* and *Ebuſa*, whom *Hengiſt* ſent thither; and that they had their own Government, and the Chriſtian Religion among them appears by the Hiſtory of *Ceadwalla*, a Prince of theſe *Britains* in (*i*) *Bede.* But theſe were but ſmall remnants in the *Northern* and *Weſtern Parts.* As to the *Eaſtern*, we have had the Teſtimony of *Matthew Weſtminſter* already. And although the Kingdom of the *Eaſt-Angles* did not begin till after-

(*c*) *Antiq. Oxon. Acad. Apol. l.* 1. §. 87.

(*d*) *De Geſt. Reg. l.* 1. *c.* 2.

(*e*) *Chron. l.* 2. *c.* 1.

(*f*) *Brit. p.* 141.

(*g*) *Survey of* Cornw. *p.* 122.

(*h*) *De Geſt. Reg. l.* 1. *c.* 2.

l. 2. *c.* 6.

l. 1. *c.* 3.

(*i*) *l.* 2. *c.* 20.

afterwards, about *Anno Dom.* 575. yet in the 9*th* Year of *Cerdic*, about *Anno Dom.* 517. *Huntingdon* obſerves, *That many* Angles *or* Saxons *were come out of* Germany, and took Poſſeſſion of the Countrey of the *Eaſt-Angles* and *Mercia*, and wherever they prevailed, *the poor* Britiſh *Chriſtians ſuffered* to the higheſt extremity. Which is enough to conſidering Men to overthrow the Credit of the ſuppoſed *Diploma* of King *Arthur* to the *Univerſity* of *Cambridge*, which bears date *Anno Dom.* 531. But *Brian Twyne* hath brought no fewer than 15 Arguments againſt it, which are far more than needed. For I cannot think that Dr. *Cajus* in earneſt believed it, for he goes not about to prove the *Diploma*, but King *Arthur*; And I cannot think it any Honour or Service to ſo famous and ancient an *Univerſity*, to produce any ſuch ſuſpected *Diplomata* or *Monkiſh Legends* to prove its *Antiquity*. It is not certain in whoſe Poſſeſſion *London* was at that time, from whence the *Charter* is dated: For the *Kingdom* of the *Eaſt-Saxons* was then ſet up by *Erkinwin*, and *London* commonly was under that, and that Kingdom as (*k*) *Malmesbury* obſerves, had the ſame Limits which the Dioceſe of *London* now hath, *viz. Eſſex*, *Middleſex*, and part of *Hartfordſhire*: (*l*) *Matt. Weſtminſter* agrees, *that* Middleſex *was under the Kingdom of the* Eaſt-Saxons, but he will not yield that *Theonus* Biſhop of *London*, did retire with his *Clergy* into *Wales* till *Anno Dom.* 586. and then he confeſſes, *that he and* Thadioc, *Biſhop of* York, *when they ſaw all their Churches demoliſhed, or turned into Idol Temples, did for their Security retire thither.*

(*k*) *De Geſtis Reg. l.* 1. *c.* 6.
(*l*) Matt. Weſt. *A.D.* 586.

And there was the freeſt *Exerciſe* of their *Religion* kept up, even in the Reign of King *Arthur*; There flouriſhed the *Schools* of *Literature* ſet up by *Dubricius* and *Iltutus*, and there were the Perſons of greateſt Reputation for Learning and Sanctity in the *Britiſh Churches*, ſuch as *Dubricius*, *Iltutus*, *Paulinus*, *Gundleus*, *Cadocus*, *Sampſon*, *Paternus*, *Daniel*, and St. *David* above the reſt, whoſe Reputation continues to this Day, and was preſerved in the *Saxon Churches* of *Britain*, as appears by the *Breviary* of *Salisbury*, where *nine Leſſons* are appointed upon his Day; And (*m*) *Matthew* obſerves that this was by a *Provincial Conſtitution* in the *Province* of *Canterbury*; But the *nine Leſſons* were taken out of the firſt *Chapter* of the *Legend* of his *Life*, a little being added at the end concerning his *Death*. It is the juſt complaint of (*n*) Bollandus, *that there is nothing extant concerning him, which was written near his own time; and what is extant hath many fabulous mixtures, ſo that it is hard to find out the Truth.* The oldeſt *MS.* of his *Life*, he ſaith, is that of *Utrecht*, which he hath publiſhed; the next he accounts is that in *Colganus*, which he would have thought to be the *Life* written by *Ricemarchus*, quoted by Archbiſhop (*o*) *Uſher*; whom he ſuppoſes to have lived before *Giraldus Cambrenſis*, who tranſcribed much out of him. But *Colganus* withall intimates, *That the Life was taken out of an old Book, wherein* Auguſtin Macraidin, *the Author of the Annals of* Ulſter *had written many things*, and probably might write that too; and to confirm this *Bollandus* obſerves, only a little difference in Style between this and the *Utretcht MS.* But if we add to theſe, *Giraldus* his Life, with that of *John* of *Tinmouth*, or *Capgrave*, we ſhall after all find, the *Life* of St. *David*, not much clearer than that of his Nephew *Arthur*, for he is ſuppoſed to have been *Uncle* to him by the *Mothers* ſide, whoſe Name is ſaid to be *Nonnita* in *Capgrave*; *Nonna* in the *Utrecht MS.* *Nemata* in *Colganus*, *Melari* in the Life of St. *Kenna*; ſo *Colganus* and

(*m*) *Trophæa Congr. Bened. Tom.* 1. *p.* 263.
(*n*) *Acta Sanct. Mart.* 1. §. 1. *n.* 5.
(*o*) *Prim. p.* 843, 844.

Bol-

Bollandus ſay; But in *Capgrave* I find *Melari* ſaid to be *the Mother to the Father of St.* David, *i. e.* to *Xantus* King of the *Provincia Ceretica, i. e. Cardiganſhire* (ſo called from *Ceretus* Father to *Xantus* ſay ſome; from *Caraticus*, who ruled here, as (*p*) *Camden* ſeems inclinable to believe) That *Melari* was one of the 12 Daughters of *Braghanus* King of *Brecknock* from whom, (*q*) *Giraldus* ſaith, *The County took its Name*; And he ſaid from the *Britiſh* Hiſtories *that he had* 24 *Daughters*; but *Capgrave* ſaith, *he had* 12 *Sons and* 12 *Daughters. D. Powell* in his *Notes* on *Giraldus* ſaith, *this* Brachanus *his Father was* Haulaphus, *King of* Ireland, *and his Mother a* Britain, *viz. Marcella*, Daughter to *Theodoric* Son of *Tethwaltus* King of *Garthmathrin*, afterwards called *Brecknock*; Another Daughter of *Brachanus*, he ſaith, was Wife to *Congenus* Son to *Cadel*, King of *Powiſland*, and Mother of *Brochmiel*, who killed *Etheldred* King of *Northumberland*, and routed his Army about *Anno Dom.* 603. By this we ſee what a Number of *Petty Princes* there was about that time among the *Britains*; but whether St. *David* were *Uncle* by the *Mother* to King *Arthur* or not, we have not light enough to diſcover. I ſhall paſs over all the *Legendary Parts* of his Life; and conſider only what relates to the *Church Hiſtory* of thoſe Times. His *Domeſtick Education* is ſaid to have been under *Paulens* or *Paulinus* a Diſciple of St. *German*; with whom he continued *ten Years*; in the *Iſle* of *Wight*, ſaith *Giraldus*, but it ſeems more probable to have been *Whiteland* in *Caermardenſhire*; the School of *Iltutus* being not far off in *Glamorganſhire* at *Lantwitt*, *i. e. Fanum Iltuti*; and in his Life it is ſaid, *that he came to the King of* Glamorgan; and after, that *Sampſon*, *Paulinus*, *Gildas* and *David* were his *Scholars*. But *Bollandus* ſhews, that there muſt be a miſtake as to *David*; and that inſtead of him it ſhould be read *Daniel*, who was a Diſciple of *Iltutus*, and conſecrated firſt Biſhop of *Bangor* by *Dubricius*. After this it is ſaid, *that* David *and* Eliud, *or* Teliaus, *and* Paternus *went to* Jeruſalem, *and* David *was there conſecrated* Biſhop *by the* Patriarch. And it is not to be wondred, that in ſuch a diſtracted time at home, they ſhould go to *Jeruſalem*, when (*r*) St. *Jerome* in his time mentions *the* Britains *going thither*; eſpecially ſuch as were more inclined to *Devotion*; which humour ſpread ſo much, that *Gregory Nyſſen* wrote againſt it, as a thing very much tending to *Superſtition* if not ariſing from it. But it was moſt excuſable in ſuch a troubleſome time at home. Not long after his return, the famous Synod at *Brevy* was held at a place called *Lhandewy-brevy*, the *Church of St.* David *at* Brevy. Here the *Utrecht MS.* ſaith; *was a Synod aſſembled of all the Biſhops of* Britain, *upon the account of the Pelagian Controverſie then revived. Giraldus* ſaith, *It was a general Convention of Clergy and Laity.* But the former MS. ſaith, *there were preſent* 118 Biſhops, *beſides* Abbats *and others.* One would think it hard to find ſo many Biſhops in *Britain* at that time: And *Bollandus* ſtartles at it; but *Colganus* undertakes to defend it; having premiſed that *Giraldus* and *Capgrave* leave it out; But he ſaith, *there were more Biſhops at that time than afterwards*; *and more Biſhops than Biſhopricks, Dioceſes not being then ſo limitted as afterwards*; *And every Monaſtery almoſt having a Biſhop its Superior*; *by which means he juſtifies St.* Patrick's *conſecrating*, as *Jocelin* ſaith, 350 *Biſhops with his own Hands.* But after all this, *Giraldus* did much better to omit ſuch a number in ſuch a time, unleſs there were better Teſtimony concerning it. However there was a conſiderable number there preſent, *yet St.* David *was abſent*

(*p*) *Brit.* p. 518.

(*q*) *Itiner. Camb. l.* 1. *c.* 2.

(*r*) *Epiſt.* 17.

absent; and first *Paulinus* was sent to him, but he prevailed not, then *Daniel* and *Dubricius* went, upon whose intreaty he came, and by his *Authority* and *Eloquence* put an effectual stop to *Pelagianism*: And before the end of the *Synod* it is said, *That by general Consent he was Chosen Archbishop of* Caerleon, Dubricius *desiring to retire on the account of his Age.*

But here we meet with a considerable difficulty concerning the *Succession* to *Dubricius*, viz. *That* Teliaus *is said to succeed* Dubricius *at* Landaff, *and to have Power over all the Churches of the Western Parts of* Britain; How can this be consistent with St. *David*'s succeeding *Dubricius* in the See of *Caerleon*, which had the *Metropolitan Power* over those *Churches?*

(*s*) Bishop *Godwin* out of *Bale*, and as he supposeth, out of *Leland* saith, *That St.* Dubricius *was first Bishop of* Landaff *being there consecrated by* Germanus *and* Lupus, *and that afterwards he was removed by a Synod to* Caerleon, *and* Teliaus *placed in* Landaff. But this by no means clears the difficulty; for although *Bale* doth there exactly follow *Leland*, yet *Leland* himself doth not seem to have consulted the Book of *Landaff*; Where it is said, *That when* Dubricius *was made Archbishop, he had the See of* Landaff conferr'd *upon him, by the Gift of* Mouricus *then King, and the three* Estates, i. e. *the Nobles, Clergy* and *People, and all the Land between the* Taff *and* Elie: And (*t*) *Leland* himself out of another Author saith, *That when* Dubricius *was made Archbishop*, Landaff *was made his Cathedral Church.* After *Dubricius* his time *Teliaus* is said to be *Archbishop* several times in the Book of *Landaff*; and after him *Oudoceus* is called *Summus Episcopus*; and the Bishop of *Landaff* in his *Petition* to *Calixtus* 2. *Anno Dom.* 1109. saith, *That it appears by the hand writing of St.* Teliaus, *That the Church of* Landaff *was Superior in dignity to all other Churches in* Wales. That which seems to me the most probable account of this matter is, That when *Landaff* was given to *Dubricius* then *Archbishop*, he fixed his *See* there, and so *Landaff* was the *Seat* of the Archbishop of *Caerleon.* But afterwards when St. *David* removed the Archiepiscopal *See* to *Menevia*, a remote, barren and inconvenient Place, as *Giraldus* himself confesseth; The Bishops of *Landaff* assumed the *Archiepiscopal Power*, which had been in that *See*, and would not submit to the *Bishops* of St. *Davids.* This is apparent from that passage of *Oudoceus* (who succeeded *Teliaus*) in the *Book* of *Landaff*, that he would not receive *Consecration* from the Bishop of St. *Davids*, as his *Metropolitan*, but had it from the Archbishop of *Canterbury.* This is a very improbable thing at that time, considering the hatred the *Britains* did bear to the *Saxons*, and their *Bishops* to *Augustine* the Monk: It is far more likely that they received it from the Archbishop of *Dole* in *Britany*; or from the Archbishop of *London* then resident in those Parts; who probably kept up their Succession for some time, as long as there were any hopes of returning to their own See, as is before observed.

(*s*) De Præsul. p. 618.

(*t*) Collect. Vol. 2. p. 42.

After this *Giraldus* speaks of another *great Council* held by St. *David*, which he calls *Victoria*; in which he saith *all the Clergy of* Wales *were present*; *And the Decrees of the former Council were confirmed, and new Canons made for the Government of the* British *Churches*; But this *second Synod* is not mentioned in the old *Utrecht MS.* nor in *Capgrave*, but it is in *Colganus*, and by the *Expressions* it appears to have been taken out of *Giraldus*, who confesseth, *That no Copies of those Canons were to be*

ſeen in his time, that Coaſt being ſo often viſited by Pirats, (who no doubt came to ſteal MSS. and eſpecially Church-Canons.) I will not deny that the *Britiſh* Churches at that time, and in thoſe Parts might be ſaid to be in a flouriſhing Condition, in compariſon with other Parts of *Britain*, and there might be more Chriſtians there, becauſe they had been driven out from other Places; and their Brethrens Afflictions might encreaſe their Devotion; But *Gildas* takes no more notice of St. *David* than he doth of King *Arthur*. The *Battel* at *Badon-hill*, according to Archbiſhop *Uſher*, was the Year after the *Synod* at *Brevy*, and from that time *the* Britiſh Churches had ſome quiet from their Enemies: But then (*u*) *Gildas* ſaith, *The* Britains *quarrelled among themſelves; but yet ſo as that ſome kind of Order and Government was then kept up among them, by the Remembrance of their late Calamities.* And at this time he ſpeaks the beſt of the *Britains*, that he doth in his whole Book; for he ſaith, *That Kings, and Publick and Private Perſons, Biſhops and other Churchmen* (for *Sacerdotes* in that Age often ſignified *Biſhops*, and *Gildas* calls it, *Sacerdotalem Epiſcopatus Sedem*) *did all keep to the Duty of their Places.* But then he adds, *when the Senſe of theſe Calamities was worn out, and a new Generation aroſe, they fell into ſuch a degeneracy as to caſt off all the Reins of Truth and Juſtice, that no remainder of it appear'd in any ſort of Men, except a few, a very few, whoſe number was ſo ſmall in compariſon with the reſt, that the Church could hardly diſcern its genuine Children when they lay in her Boſome.*

(*u*) Gild. §. 26.

But before I come to this laſt and ſaddeſt part of the *Hiſtory* of the *Britiſh Churches* it will be neceſſary now to give ſome Account of thoſe *Britains*, who being wearied out here went for Refuge to that *Countrey* in *France*, which from them is called *Bretagn*.

It ſeems hard to determine when the firſt *Colony* of *Britains* was ſettled in the Parts of *Aremorica*. For in the declining times of the *Roman* Empire, there was ſo frequent occaſion of the *Britiſh* Soldiers removing into the *Continent*, and ſo little encouragement to return hither, that it is not improbable, that after the Troubles of *Maximus* and *Conſtantine* a Colony of *Britains* might ſettle themſelves upon the *Sea Coaſts* near to *Britain*, where they might be ready to receive or to go over to their Countreymen, as the condition of Affairs ſhould happen. This I am very much induced to believe, not from the Authority of *Nennius*, or *Geoffrey*, or *William* of *Malmesbury*, or *Radulphus Niger*, *&c.* but from theſe Arguments;

Firſt from *Sidonius Apollinaris*; and there are two Paſſages in him which tend to the clearing this matter; The firſt is concerning *Aruandus* accuſed at *Rome* of *Treaſon*, in the time of *Anthemius*, for perſuading the *King of the* Goths to make War upon the *Greek Emperor*, *i. e. Anthemius*, who came out of *Greece*, and upon *the* Britains *on the* Loir, as (*w*) *Sidonius Apollinaris* expreſly affirms, who lived at that time, and pitied his Caſe. This hapned about *Anno Dom.* 467. before *Anthemius* was the ſecond time Conſul. From whence it appears, not only that there were *Britains* then ſettled on the *Loir*, but that their *Strength* and *Forces* were conſiderable, which cannot be ſuppoſed to conſiſt of ſuch miſerable People as fled from hence for fear of the *Saxons:* And it is obſervable, that about this time *Ambroſius* had Succeſs againſt the *Saxons*, and by *Vortimer*'s means, or his, the *Britains* were in great likelihood of driving them out of *Britain*; ſo that there

(*w*) *Epiſt. l. 1. Ep. 7.*

is

is no probability that the Warlike *Britains* should at that time leave their Native Countrey. A second passage is concerning *Riothamus*, a King of the *Britains* in the time of (x) *Sidonius Apollinaris*, and to whom he wrote, who went with 12000 *Britains* to assist the *Romans* against *Euricus* King of the *Goths*; but were intercepted by him, as (y) *Jornandes* relates the Story, and *Sigebert* places it *Anno Dom.* 470. Now what clearer Evidence can be desired than this, to prove that a considerable Number of *Britains* were there settled, and in a condition not only to defend themselves, but to assist the *Romans*; which cannot be imagined of such as merely fled thither after the *Saxons* coming into *Britain*. Besides we find in *Sirmondus* his *Gallican* Councils, *Mansuetus*, a Bishop of the *Britains* subscribing to the first *Council* at *Tours*, which was held *Anno Dom.* 461. By which we see the *Britains* had so full a Settlement then, as not only to have *Habitations*, but a *King* and *Bishops* of their own; which was the great incouragement for other *Britains* to go over, when they found themselves so hard pressed by the *Saxons* at home. For a People frighted from hence, would hardly have ventured into a foreign Countrey, unless they had been secure before hand of a kind Reception there. If they must have fought for a dwelling there, had they not far better have done it in their own Countrey? From whence I conclude, that there was a large Colony of *Britains* in *Aremorica* before those Numbers went over upon the *Saxon* Cruelties; of which (z) *Eginhardus* and other foreign *Historians* speak. Archbishop *Usher* seems to think this *Riothamus* himself to have been *the first Leader of them*; But it is hard to think a Person of his Valour and Experience would leave his Countrey in that distressed Condition it was brought into by the *Saxons*.

(x) L. 3. Ep. 9.

(y) De Rebus Get. c. 45.

(z) Annal. A. D. 786. Hist. Francic. Script. coæt. To 2. p. 639.

But (a) *Florentius*, the Author of the Life of *Judocus* Son to a King of *Bretagn* saith, *That his Name was* Rioval, *a Prince here in* Britain, *who gathered a good Army and Fleet together, and with that subdued the People who lived on the* Aremorican *Coasts, being then left destitute and unable to defend themselves.* For that was the effect of the *Roman* Government, which was kept up by the force of the *Roman* Legions in all Parts of it, and so when these were broken, the *Nations* were so unaccustomed to War, that they lay open to all *Invaders*. So that the *Aggressors* did generally succeed in their *attempts* where the *Roman* Legions were withdrawn; and next to the Wise Providence of God which ordereth all things, there was no one Cause which contributed so much to the miseries of those times, and the strange Revolutions which happened in them, as the *Natives* being not trained up to *Martial Discipline*, but depending wholly on the *Roman* Legions for their Defence and Security; thence, whatever People had the Courage to invade, did usually take Possession of the *Countrey* where the *Roman* Legions were at a distance, or otherwise engaged against each other. Thus in *France*, the *Goths*, the *Burgundians*, the *Franks*, and the *Britains* took possession of the several *Parts* they *attempted*; and the *Goths* and *Vandals* in *Spain*: So *Goths* and *Lombards* in *Italy* it self. So that it is not to be wondred, if the *Saxons* prevailed here at last; but with as much difficulty, and after as many *Battels*, as were fought by any People of that time without foreign Assistance. But to return to the *Aremorican Britains*, whether they came over under *Rioval* in the beginning of the *Distractions* here, *when the People were so Rebellious against their Princes*, as *Gildas* relates, or whether they went over to assist *Con-*

(a) Sur. Dec. 13.

ſtantine and his *Son*, and ſo remained there, I ſhall not determine. But that the *Britains* were well *ſettled* there before *Sampſon* Archbiſhop of *York* and his Company paſſed the Seas, appears by what (*b*) *Matt. Paris* ſaith, *That they went to their fellow Citizens and Countrey Men, hoping to live more quietly there.* And after the *death* of *the Biſhop* of *Dole*, he was by the conſent of the *Britains* put into his Place, and from thence-forwards exerciſed *his Archiepiſcopal Power* there; *the Kings* of that Province, not ſuffering his Succeſſors there to pay any Obedience to *the Archbiſhop* of *Tours*. Which begot a *Suit* which held 300 Years in *the Court* of *Rome*, and was this Year manfully decided by *Innocent* III. as *Matt. Paris* there relates: Who ſtates *the Caſe* very unskilfully, laying *the weight* of it upon *the Archbiſhop's bringing over his Pall from* York, *which the* Pope *had given him there.* Suppoſe this were true (although *the Popes* gave no *Palls* then, nor a great while after) yet this were no reaſon to conteſt it in the *Court* of *Rome* ſo long together. But the difficulty of *the Caſe* lay upon *another Point*, *viz.* according to *the Old Canon* of *the Church*, If a *Province* were divided into two, each *Province* was to have a *Metropolitan*; Now *this Reaſon* held much ſtronger when *new Kingdoms* were erected out of *the Roman Provinces*: For what Reaſon was there why *the Biſhop* of *Dole* in *the Kingdom* of *Bretagn* ſhould yield Subjection to *the Biſhop* of *Tours* in a diſtinct *Kingdom?* And there was the fairer Colour for this when one actually an *Archbiſhop* before came to be *ſettled there*; and from hence they inſiſted on a *Preſcription* of a very long time, wherein no *Subjection* had been made to *the Biſhop* of *Tours*, as appears by *the account* given of *this Cauſe* by (*c*) *Innocent* III. in *his Epiſtles* lately publiſhed by *Baluzius*. On the other ſide it was pleaded, that all *Britany* was under *the Juriſdiction* of *the Archbiſhop* of *Tours*, but that *the Britains* conſpiring againſt *the King* of *France*, and *ſetting up* a Kingdom of their own, they made uſe of *Sampſon*, *Archbiſhop* of *York*, coming to eſtabliſh a *Metropolitan* Power within *that Kingdom*; and upon *Complaint* made to *Rome*, the Popes had put it upon this iſſue, whether any of *their Predeceſſors* had granted *the Pall* to *the Biſhop* of *Dole*, which not being proved, *the Pope*, as it was eaſie to imagine, gave Sentence againſt *the Biſhop* of *Dole*. But it is certain, that they went upon a falſe Suggeſtion, *viz.* That *the Kingdom* of *Bretagn* was ſet up in *Rebellion* to *the Kingdom* of *France*. For *Childeric* had not extended his *Dominions* in *France* as far as *the Loir*: and before his time, *the Britains* were in quiet Poſſeſſion of *thoſe Parts* of *Aremorica*; and the beſt (*d*) *French* Hiſtorians now grant that *the Britains* came *thither* in the time of *Merovée*, who obtained but *little* in *Gaul*, as (*e*) *Hadrianus Valeſius* confeſſeth. And the (*f*) *Author* of the Life of *Gildas* obſerves, *That the Power of the Kings of* France *was very inconſiderable in the time of* Childeric, *Son of* Merovée, at what time *Gildas* went over into *Aremorica*, as his School-fellows under *Iltutus*, *Sampſon* and *Paulus* had done before him; whereof one ſucceeded the other *Sampſon* at *Dole*, and the other was made Biſhop of the *Oxiſmii*, the moſt *Northern People* of *Bretagn*; which *Dioceſe* is ſince divided into Three, *Treguier*, *S. Pol de Leon*, and *S. Brieu*.

(*b*) *A. D.* 1199.

(*c*) *Epiſt. l.* 2. *Fo.* 82.

(*d*) Mezeray, *To.* 1. *p.* 18.

(*e*) *Rer. Fran. l.* 3. *p.* 146.

(*f*) *Vit.* Gild. *c.* 12.

Here *Gildas* at the requeſt of his Brethren who came out of *Britain*, ſaith the *Author* of his *Life*, *wrote his Epiſtle*, wherein he ſo ſharply reproves the ſeveral Vices of the *five Kings of* Britain, whom he calls by the Names of *Conſtantine*, *Aurelius*, *Vortiporius*, *Cuneglaſus* and *Maglo-*

Maglocunus; and ſpeaks to them all as then living. The (*g*) *Britiſh Hiſtory* makes them to ſucceed each other; *Conſtantine*, according to that, was killed in his third year by *Aurelius Conanus*. He died in his ſecond year, and *Vortiporius* ſucceeding him Reigned four years. After him he places *Malgo*, and leaves *Cuneglaſus* wholly out. But that they Reigned at the ſame time in ſeveral parts of *Britain* is evident from *Gildas*, becauſe he ſaith, *He knew that* Conſtantine *was then living*; Now *Conſtantine* Reigning the firſt of theſe, how could he ſpeak to the four Kings that ſucceeded him, if he were ſtill living? For there is no colour, for imagining that *Gildas* ſtill added his Reproof as one died and another ſucceeded; for any one may diſcern it was written in one continued Style, and he writes to them all as then living without the leaſt intimation that they ſucceeded each other: Beſides, he calls *Conſtantine* the *Iſſue of the impure* Danmonian *Lioneſs*; and at this time the *Britains* in the remote *Weſtern parts* were ſeparated from the other by the *Weſt* Saxon *Kingdom*; and therefore there is far leſs Probability that all the *Britains* at that time ſhould be under *one Monarch*. And where they had greateſt freedom of living together, they were divided into ſeveral *Principalities*. For he, whom *Gildas* calls *Maglocunus*, is by the *Britiſh* Writers called *Maelgun Guineth*, and *Maelgunns* mentioned by *John* of *Tinmouth*, in the Life of St. *Paternus*, and by *Thalieſſin* in Sir *John Price*, from whom it appears that he was *King* of *North-Wales*. And as *Gildas* calls *Vortiporius* the Tyrant of the *Demetæ*, by whom the *Inhabitants* of *South-Wales* are underſtood: *Aurelius Conanus*, Archbiſhop (*h*) *Uſher* thinks was King of *Powiſland*; which was ſometime a *third Kingdom*. And for *Cuneglaſus*, it ſeems probable, *he had the Command of the Northern* Britains; for it is plain from *Bede* they had a diſtinct *Principality there*. All theſe *Gildas* doth very ſeverely reprove for their ſeveral vices; and then taxes the *Judges* and *Clergy* to the *Concluſion* of his *Epiſtle*, *to the end they might repent of their Sins, and acquit the juſt and wiſe Providence of God in the judgments he brought upon them*, which were very terrible, and ended in the *deſolation* of the *Country* and the *ruine* of the *Britiſh Churches*, excepting only thoſe *Remnants* which were confined to the *Corners* of the *Land*. For our (*i*) *Hiſtorians* ſay, *That the* Saxons *left not the Face of Chriſtianity wherever they did prevail*.

(*g*) Galfr. *l.* 8.

(*h*) *Prim. p.* 537.

(*i*) Radulph. Nig. *in Chronic.* Matthew Weſtmin. *A. D.* 586. 596.

This is a very ſad Subject, which ought not to be paſſed over without that Reflection which St. (*k*) *Paul* made on the Church of the *Jews* and *Gentiles*.

Behold the goodneſs and ſeverity of God; on them which fell ſeverity, but towards thee goodneſs; if thou continue in his goodneſs, otherwiſe thou alſo ſhalt be cut off.

(*k*) Rom. 11. 22.

It remains only, that we conſider the *Liberty* or *Independency* of the *Britiſh Churches*; of which we can have no greater Proof than from the *Carriage* of the *Britiſh Biſhops* towards *Auguſtine* the *Monk*, when he came with *full power* from the *Pope* to require *Subjection* from them. And this material point relating to the *Britiſh Churches* I ſhall endeavour to clear from all the *Objections* which have been made againſt it. In order thereto, we are to underſtand, That (*l*) *Auguſtine* the *Monk* by virtue of the *Pope's Authority*, did challenge *a Superiority over the Biſhops of the* Britiſh *Churches*, which appears not only by *Gregory's* Anſwer to his *Interragations*, but by the *Scheme* of the *Eccleſiaſtical Government*, here, which *Gregory* ſent to him, after he had a fair proſpect

(*l*) Bed. *l.* 1. *c.* 27. *c.* 29.

ſpect of the *Converſion* of the *Saxons*, which was at the ſame time that he ſent *Melitius*, *Juſtus*, *Paulinus* and *Rufinianus*, with the *Archiepiſcopal Pall* to him. There he declares that there were to be two *Archbiſhops Sees*, one at *London* (which out of honour to *Ethelbert* or *Auguſtine* was fixed at *Canterbury*, or rather by *Ethelbert*'s own Authority) and the other at *York*, which had been a *Metropolitan See* in the *Britiſh* times, and both theſe *Archbiſhops* were to have twelve *Suffragan Biſhops* under them. The Biſhop of *London* was to be conſecrated by his *own Synod*, and to receive the *Pall* from the *Pope*; But *Auguſtine* was to appoint the firſt Biſhop of *York*, who was to yield *Subjection* to him for his time, but afterwards *the Sees* were to be *Independent* on each other. But by all this, it ſhould ſeem, *that he had Authority given him only over thoſe Biſhops who were conſecrated by him, and the Archbiſhop of* York; what then becomes of thoſe Biſhops in *Britain* who were *Conſecrated* by neither, and ſuch they knew there were? Concerning theſe *Gregory* gives a plain Anſwer, *That they were all to be ſubject to the Authority of* Auguſtine; *and to govern themſelves in Life and Doctrine and Church-Offices according to his Direction.* *Auguſtine* being furniſhed with ſuch *full Powers*, as he thought, deſires a *Meeting* with the *Britiſh Biſhops*, at a place called *Auguſtinſac*, as (*m*) *Bede* ſaith, in the *Confines* of the *Wiccii* and the *Weſt-Saxons*. Where this place was is very uncertain, and not at all material; *Camden* could find nothing like it, and the *Conjectures* of others ſince have no great probability, either as to *Auſtric*, or *Hauſtake*, or *Oſſuntree*, but at this place, the *Britiſh Biſhops* gave *Auguſtine* a Meeting; where the firſt thing propoſed by him was, *That they would embrace the Unity of the Catholick Church, and then join with them in Preaching to the Gentiles, for*, ſaith he, *they did many things repugnant to the Unity of the Church*; Which was in plain terms to charge them with *Schiſm*; and the *Terms* of *Communion* offer'd, did imply *Submiſſion* to the *Church* of *Rome*, and by conſequence to his *Authority* over them. But the utmoſt that could be obtained from them, was only *that they would take farther advice, and give another Meeting, with a greater Number.* And then were preſent *Seven Biſhops of the* Britains, *and many Learned Men, chiefly of the Monaſtery of* Banchor, *where* Dinoth *was then Abbat*; And the *Reſult* of this *Meeting* was, *That they utterly refuſed Submiſſion to the Church of* Rome, *or to* Auguſtine *as Archbiſhop over them.* And for the Account of this, we are beholding to *Bede*, whoſe Authority is liable to no exception in this matter.

(m) L. 2. c. 9.

But againſt this plain Matter of *Fact*, there have been three *Objections* made which muſt be removed.

(1.) That *Auguſtine* did not require *Subjection* from the *Britiſh Biſhops*, but only treated with them, about other matters in difference between them.

(2.) That their refuſing *Subjection* to the *Biſhop* of *Rome* depends upon the *Credit* of a *Spurious* Britiſh *MS.* lately invented and brought into light, as the Anſwer of *Dinoth*.

(3.) That if they did refuſe *Subjection* to the *Pope*, it was *Schiſmatical Obſtinacy* in them, and contrary to the former *Senſe* of the *Britiſh Church*.

To all theſe I ſhall give a clear and full Anſwer.

(1.) As

(1.) As to the matter of their *Conference*, it cannot be denied that other things were ſtarted; as about the *Paſchal Controverſie* and ſome *Rites* of *Baptiſm*, &c. but this was the main point; which *Auguſtine* did not in plain Terms inſiſt upon, becauſe it would look too invidiouſly to require *Subjection* to *himſelf*, but he cunningly inſinuates it under the Name of *Eccleſiaſtical Unity*. For I dare appeal to any Man's common Senſe, whether upon the *Principles* of the *Church* of *Rome*, the *Britiſh Biſhops* complying in other things and rejecting the *Pope*'s *Authority* would have been thought ſufficient? If ſo, then *Submiſſion* to the *Pope* is no neceſſary term of *Communion*; and Men may be in a very ſafe Condition without it. But if it were neceſſary, then *Auguſtine* muſt imply it within the terms of *Catholick Peace* and *Eccleſiaſtical Unity*. It is therefore ridiculous in (*n*) *Alford* and (*o*) *Creſſy*, and ſuch Writers to ſay, *That* Auguſtine *did not inſiſt upon it:* For it is to charge him with *Ignorance* or *Stupidity*, that he ſhould leave out ſo neceſſary an Article of *Communion:* And yet *Gregory* had ſo great an opinion of him, as to make him *the Director of the* Britiſh *Churches*. And therefore it cannot be ſuppoſed that he ſhould offer terms of *Communion* without requiring *Submiſſion* to the *Pope*'s *Authority*; if thoſe were in a ſtate of *Schiſm* who denied it.

(n) *Annals Eccleſ. A. D.* 604. *n.* 11.

(o) *Church. Hiſt. l.* 13. *ch.* 19. *n.* 6.

But it is ſaid, *That in the Concluſion of the ſecond Meeting*, Auguſtine *did not inſiſt upon, nor ſo much as mention any ſubjection to him from the* Britiſh *Churches, but only required Compliance in three Points*, viz. *the time of the Paſchal Solemnity agreeable with the Church of* Rome; *following the* Roman *Cuſtoms in Baptiſm*; *and joining with them in Preaching to the* Saxons; *and upon theſe they broke up the Meeting.*

To which I Anſwer,

That theſe things were required by *Auguſtine*, not as *Conditions* of *Brotherly Communion*, but as the *Marks of Subjection* to his *Authority*; which appears from *Bede*'s own Words, *Si in tribus his mihi obtemperare vultis, &c.* Which *Creſſy* very unfaithfully renders, *If they would conform in three points only:* Whereas the meaning is, If they would own his *Authority* in thoſe *three things*; and therefore the *Britiſh Biſhops* anſwered very appoſitely, when they ſaid, *we will neither do the things nor ſubmit to you as Archbiſhop over us.* Why ſhould they deny *Subjection* if it had not been required of them? Which ſhews they very well underſtood his meaning, and gave anſwer in ſhort, to the main point. And upon this Account I ſuppoſe it was, that the *Anchoret*'s advice was followed about obſerving *Whether he roſe up to the* Britiſh *Biſhops at their entrance*; Not that they were ſo offended for want of a *Complement*, as Mr. *Creſſy* ſuggeſts, but this was look'd on by them, as a *Mark* of that *Superiority* which he challenged over them; And therefore they had reaſon to take ſo great notice of it, and to infer harder uſage from him, when they ſhould be under his *Authority*. They could not be ignorant what *Authority* the *Pope* had given *Auguſtine*, and that made them more *Obſervant* of his whole Behaviour, and finding it ſo agreeing to the *Character* of an *Archbiſhop* over the Britiſh *Churches*, They give him that Reſolute Anſwer, *That they would not own any Authority he had as Archbiſhop over them.* Which is a ſufficient proof, that this was really the main point conteſted between them.

(2.) As to the *Britiſh MS.* which contains *Dinoth*'s Anſwer more at large; I Anſwer;

(p) *De Script. in* Dinoth.

1. (p) *Leland* obſerves, *That the* Britiſh *Writers give a more ample account of this Matter than is extant in* Bede; who is very ſparing in what concerns the *Britiſh* Affairs. But from them he ſaith, *That* Dinoth *did at large diſpute with great Learning and Gravity againſt receiving the Authority of the Pope, or of* Auguſtine; *and defended the Power of the Archbiſhop of St.* Davids; *and affirmed it not to be for the* Britiſh *Intereſt to own either the* Roman *Pride or the* Saxon *Tyranny.* And he finds fault with *Gregory, for not admoniſhing the* Saxons *of their groſs Uſurpations, againſt their Solemn Oaths*; And adds, *that it was their duty, if they would be good Chriſtians, to reſtore their unjuſt and Tyrannical Power to thoſe from whom they had taken it.* For Dinoth, *out of his great Learning could not but know, that the Pope under a pretence of bringing in the true Faith could not confirm them in their unjuſt Uſurpation. For if that ſhould be admitted no Princes could be ſafe in their Dominions.* And no doubt the Britiſh *Biſhops* looked upon this attempt of *Auguſtine* upon them to be the adding one *Uſurpation* to another: Which made them ſo adverſe to any *Communication* with the Miſſionaries which otherwiſe had been inexcuſable.

(2.) The certainty of the *Britiſh Churches* rejecting the *Pope*'s *Authority*, and *Auguſtine*'s juriſdiction doth not depend upon the *Credit* of this *Britiſh MS.* for this is ſufficiently clear from *Bede*'s own Words, wherein they declare, *they would not own* Auguſtine *as Archbiſhop over them.* But if they had owned the *Pope*'s *Authority*, they ought to have ſubmitted to him, who acted by virtue of his *Commiſſion:* And it was not poſſible for them at ſuch a diſtance from *Rome*, to expreſs their diſowning his *Authority* more effectually than by *rejecting* him, whom he had ſent to be *Archbiſhop* over them. And *Nich. Trivet* in his *MS.* (q) *Concil.* p. 111. *Hiſtory* cited by Sir *H.* (q) *Spelman*, ſaith expreſly, *that* Auguſtine *did demand Subjection from the* Britains *to him, as the Pope*'s *Legate, but they refuſed it.* So that if this *MS.* had never been heard of, the Matter of Fact had been nevertheleſs fully atteſted.

(3.) The *Objections* againſt this *MS.* are not ſufficient to deſtroy the *Authority* of it. Sir *H. Spelman* who ſets it down at large in *Welſh, Engliſh* and *Latin*, tells from whom he had it, and exactly tranſcribed it, and that it appeared to him to have been an *Old MS.* taken out of an *Older*, but without *Date* or *Author*, and believes it to be ſtill in the *Cotton Library.* Here is all the appearance of *Ingenuity* and *faithfulneſs* that can be expected; and he was a Perſon of too great Judgment and Sagacity to be eaſily impoſed upon by a modern Invention, or a *new found Schedule*, as Mr. *Creſſy* Phraſes it. The ſubſtance of it is, That the *Abbat of* Banchor, in the *Name* of the *Britiſh Churches* declares, *That they owe the Subjection of Brotherly Kindneſs, and Charity to the Church of God, and to the Pope of* Rome, *and to all Chriſtians: but other obedience than that, they did not know to be due to him whom they called Pope*; *And for their parts they were under the Juriſdiction of the Biſhop of* Caerleon *upon* Uſk, *who was under God their ſpiritual Overſeer and Director.* But ſay the Objectors, *There was then no Biſhop of* Caerleon *upon* Uſk, *and had not been ſince the time the Metropolitan Juriſdiction was by St.* David *transferr'd to* Menevia. I grant that from the time of *Dubricius* the *See* was tranſferr'd firſt to *Landaff*, and then to St. *Davids*, but this latter *Tranſlation* was not agreed to by all the *Britiſh Biſhops*; And it appears by the foregoing Diſcourſe, That the Biſhops of *Landaff* did at that time when *Oudoceus* lived, challenge the

the *Metropolitical Power of* Caerleon to themselves, and therefore would not be consecrated by the *Bishop* of St. *Davids*. And *Caerleon* having been the ancient *Metropolitical See*, it was no absurdity at all to mention that in a Dispute which depended upon ancient Right. For the Authority over the *British* Churches was not upon the account of St. *David*'s or *Landaff*, but the Metropolitan Right which belonged to the *See of* Caerleon. As if in the *British* times the Metropolitan See had been removed from *London* to *Canterbury*, what incongruity had it been in a Dispute of Superiority to have alledged, that the *British* Churches of these Parts were under the Jurisdiction of the *Archbishop of* London, although at that time the See were removed to another Place? And if this be all to make it appear to be a *Forgery*, as Mr. *Creffy* pretends, for all that I can see, it may be a very ancient and genuine *MS.*

But *Alford* goes deeper, for he disproves it, *because it contradicts the Sense of the* British *Churches before, which professed Subjection to the* Roman *See.*

This is indeed to the purpose if it be well proved, which in the last place comes to be considered.

(3.) To this purpose he alledges, (1.) *The Confirmation of St.* David's *Synod by the Pope's Authority.* But from whence hath he this? From no other Testimony than that of *Giraldus Cambrensis* cited by Bishop *Usher*, who in the same place confesses, *That there was no Monument of those Synods at all remaining, nor of the Pope's Confirmation of them*; and the other *MSS.* and *Legends* of St. *David*'s Life say not a Word of this. How then came *Giraldus* to affirm it? We are to remember that *Giraldus* had a Cause depending in the Court of *Rome*, about the *Bishoprick* of St. *David*'s, and he knew well enough what *Doctrine* was pleasing there, and therefore the *Testimony* of such a one, having no concurrent Evidence to support it, is of very little force in this matter. (2.) He mentions the Respect *Kentigern* shew'd to *the Church of* Rome, *going seven times thither, and having at last his uncanonical Ordination purged, or confirmed by the Pope*; as the *Author* of his Legend relates. But this seems to me a senseless and ridiculous *Legend*: For as (r) *Bollandus* observes, if *Kentigern* went seven times to *Rome*, how came he to put off the Error of his Consecration to the last? If it were good before, why not then? If naught before, then all the *Acts* performed by him by virtue of his first Conseration were invalid. But there is no more Error supposed in the Consecration of *Kentigern* by one *Bishop*, than there was in that of *Seruanus* by *Palladius*, which as (s) *Joh. Major* saith, *was good in case of necessity.* But the Writers of the *Legends*, living long after the times of the Persons, framed their Stories according to the Customs of their own times; and because such a *Consecration* was not then held good, therefore the Author of his *Legend* takes care to have that defect supplied at *Rome*, and to make amends, he saith, *That* Kentigern *at his death recommended to his Disciples the Decrees of the Fathers, and the Customs of the* Roman *Church.* But what is this to the *necessity* of *Subjection* to the *Roman See* from the general Sense of the *British Churches?* What if *Kentigern* having been often at *Rome*, were pleased more with the *Customs* of that *Church*, than of the *Britains?* Doth it hence follow, that those *Britains* who maintained *Customs contrary to the* Romans, did think it necessary to conform to the Church of *Rome*, when the plain *Evidence* of *Fact* is to the contrary; and which hath far more Authority than such *Legends*,

(r) 13. *Jan. Vit.* Kentigern.

(s) *De Gest. Scot. l. 2. c. 2.*

(t) Bede, l. 2. c. 4. *gends* as these? (3.) Ninianus *is* (t) *said to have learnt the Christian Doctrine at* Rome, *who converted the Southern* Picts, *and founded the Church* ad Candidam Casam; *being the first built of Stone.* But what follows from hence? Because *Ninianus* was made a *Christian* at *Rome*, therefore the *British Churches* always own'd the *Pope's Supremacy.* They are indeed to seek for Arguments who make use of such as these. (4.) He offers to prove the constant *Submission* of the *British Churches* to the *Roman See* from *Gildas* himself, and he makes use of two Arguments.

(1.) *From his calling the* British *Churches*, Sedem Petri, *the See of St.* Peter. I confess *Gildas* hath these Words, but quite in another Sense; For in the beginning of his *Invective* against the *Clergy*, among other things he charges them, that they did *Sedem Petri Apostoli immundis pedibus usurpare.* Doth he mean that they defiled *St.* Peter's *Chair at* Rome? No certainly, but he takes St. *Peter's* Chair for that which all the *Clergy* possessed, and implies no more than their *Ecclesiastical Function*; and so he opposes it to (u) *the Chair of* Judas, *into which*, he saith, *such wicked Men fell.* But if they will carry *St.* Peter's *Chair to* Rome, they must carry *the Chair of* Judas thither too.

(u) Gild. p. 58. 60.

(w) A. D. 548. n. 4. (2.) (w) *Alford* insists on this Passage in *Gildas*, *That they were more ambitious of Degrees in the Church than of the Kingdom of Heaven*; And after a bitter *Invective* against their *Symoniacal Contracts*, he adds, *that where they were opposed they ran beyond Sea to compass their ends.* Now saith *Alford*, *whither should this be but to* Rome? For as *Leland* observes in the Case of *Giraldus Cambrensis*, *sunt enim omnia Venalia* Romæ: all things are bought and sold there; and therefore whither should such *notorious Symoniacal Persons go*, *but to* Rome? This is a very surprising Argument, and is more wisely past over by Mr. *Cressy* than insisted on by *Alford*, as being a horrible Reflection on the *Court* of *Rome* in those Days. But to say Truth, there is not one Word of *Rome* in *Gildas*; but if they will apply it to *Rome*, how can we help it.

(x) A. D. 604. n. 10. (y) Concil. p. 110. To conclude this Discourse, (x) *Alford* is much displeased with (y) Sir *H. Spelman*, for *parallelling the Case of the* British Bishops, *and* Augustine, *with that of the* Cyprian Bishops *against the* Patriarch *of* Antioch: But for what Reason? *Why*, saith he, *The Council of* Ephesus *did not permit the* Cyprian Bishops *to decline the Judgment of their* Patriarch, *but declared the* Bishop *of* Antioch *not to be their* Patriarch. Very well! And is not this the very case here? The Bishop of *Rome* challenged a *Patriarchal Power* over the *British Churches*, and appoints an *Archbishop* over them, but they deny that he had such *Authority over them*, they being governed by their own *Metropolitan*, as the *Cyprian* Bishops were; and therefore by the *Decree* of the *Council of* Ephesus, they were *bound to preserve their own Rights*, and consequently to oppose that *foreign Jurisdiction*, which *Augustine* endeavoured to set up over them.

Two

Two DISCOURSES Concerning the DOCTRINE of CHRIST'S SATISFACION: or, the true Reason of his Sufferings: Wherein the *Socinian* and *Antinomian* Controversies are truely Stated and Explained.
With an ANSWER to Mr. LOBB'S Appeal, and to several Letters from the Dissenting Parties in *London*.

PART I.

The PREFACE.

THE *Design of the following Discourse, is to vindicate the Doctrine of* Christ's Satisfaction *from the* Socinian Objections. *Which, that I might do more effectually, I set my self to consider the Force and Strength of all that* Crellius *had produced in his elaborate Answer to* Grotius. *For I have always endeavoured to understand the right state of a Question, before I undertook it; and when I had done that, I have taken as much Care, as I could, to represent it truly to others. Which made me not a little surprised, when I found our modern* Socinians *in their late Pamphlets to charge Me as well as others, with* not reading their Books upon this Question, and wholly mistaking the State of the Question between the Church and them. *Whereas, if I had not read their Books I might peradventure have entertained a more favourable Opinion of them, than I now have. But it was upon a diligent Consideration of the utmost I could find was said by their best Writers, that I so long since satisfied my self, that if the Books of the* New Testament *are to be our Rule of Faith, they were extreamly mistaken. Indeed, our* Unitarians *(as they call themselves) seem to go another way to work; which is, by undermining the Authority of these Books, and so to introduce* Deism *among us; (of which I hope to give an Account in another Discourse.) But my present business is to lay open the true state of this Controversie between us. In their Answer to my Sermon (which is here Reprinted) they say,* That the Unitarians never denied, as I fansie, that Jesus Christ made himself a voluntary Sacrifice for Expiation of the Sins of Mankind. *If this be true, I confess, I have mistaken them; but if the contrary prove very true from their own Writings, what do these Men deserve, for denying that which they know to be true? For it is hardly possible to suppose such bold undertakers, as they are, should be ignorant that* Socinus *absolutely denied,* That Christ made himself a voluntary Sacrifice for Expiation of the Sins of Mankind. *For in his Answer to* Volanus, *he saith,* That he and most others are greatly mistaken when they say, that Christ offered up himself to God, when his Blood was shed upon the Cross: *And he positively affirms,* That the Sacrifice which Christ offered was not upon the Cross, but in Heaven. *These Passages gave great offence to one* Niemojevius, *a Friend of his, who in his first Epistle to him, calls it,* A horrid Para-

Considerations on the Explications of the Trinity in the Archbishop's Sermons, &c. p. 31.

Answ. to Serm. p. 12.

Socin. Op. T. 1. p. 391.

Socin. Epist. p. 196. Ed. Racov.

Paradox, and directly contrary to Scripture, and wonders what he meant to write so confidently against the plain Testimonies of Scripture. Socinus *in answer to him, saith,* It is no more than himself had
p. 204. asserted some Years before, *in his Book* De Servatore; and others of their Party before him. *And he lays down, as his Conclusion, which he desires his Friend to bring his Arguments against, viz.* That the Expiatory Sacrifice of Christ for our Sins was not performed on the Cross, but in Heaven. Niemojevius *brings express places of Scripture against*
p. 224. *this Opinion; and saith,* He could by no means excuse such plain Op-
p. 226. position to the words of Scripture. Socinus *in his Reply, persists in saying,* That there was no Expiatory Sacrifice for Sin in the Death of
p. 254. Christ; and that it ought to be considered as an Intervening Condition
p. 265. in order to the Expiation in Heaven, and not otherwise; *but he will by no means allow* any Proof of any Sacrifice of the Expiation on the Cross. *And so the dispute ended. With what face can they now say,* That the Unitarians never denied this, *when* Socinus *not only doth it, but defends it, to the last, and saith,* That others had done it before him: *Which shews, that it was no singular Opinion of his own, but that which had been received among the* Unitarians *before him.*

But they say, The *Unitarians* ever acknowledged that the Lord Christ was an Expiatory Sacrifice for our Sins, as may be seen in the *Racovian Catechism. This is indeed a wonderful Proof,* they ever acknowledged it, as may be seen in the *Racovian Catechism: Were there no* Unitarians *before the* Racovian Catechism? *And was that always the same? Suppose the* Unitarians *before, were of another Opinion; suppose the* Racovian Catechism *it self hath been altered in this matter: how can any man of Sense be satisfied with such kind of Arguments as these? One would think, they wrote only for such as would take their Words; they joyn so much Confidence with so very little appearance of Reason. All that know any thing of these Matters, know very well, that the* Racovian Catechism *was first framed by* Smalcius, *a strict Follower and Defender of* Socinus, *from whose Opinions he did not vary at all as to this matter, as will appear from all the old E-*
Catech. Racov. c. 8. q. 4. *ditions of it. In which the Question is put,* What is the Reason of the Sufferings of Christ? *The Answer is two fold;* 1. To be an Example of Patience. 2. To confirm the Truth of God's Promises. *And after these are explained, another Question is asked,*
Q. 12. Is there no other Cause of the Death of Christ? *The Answer is very short,* Nulla prorsus, None at all. *And in the Conclusion of that Chapter a Question is put about Sacrifices,*
Q. 38. *and the Answer is,* That the Death of Christ was no Sacrifice, but only a Preparation to it, and a kind of Introduction to it, for the Sacrifice was offered in Heaven and not before. *Have we not now great Evidence to believe from the* Racovian Catechism, *that* Jesus Christ made himself a voluntary Sacrifice for Expiation of the Sins of Mankind? *But besides the* Racovian Catechism, *they refer me to* Schlictingius *and* Ruarus. *For what, I pray? For what the* Unitarians *always held? That is impossible, when there is such evident Proof to the contrary. I suppose their meaning is, That the* Racovian Catechism, being reviewed by them speaks otherwise. *And is this a good Proof, that they were always of that mind, because from hence it is evident they have changed it? And so it*
Catech. Racov. Staurop. An. Dom. 1680. *will appear to any one that will compare the latter Editions with the former. In the last Edition I have seen, as it is review'd by* Schlictingius, Ruarus, *and others, there is a Preface, wherein they confess it is changed in several things from what it was, when it was first published by* Moscorovius,

vius, *A.D.*1609, *and yet the* Unitarians *were ſtill of the ſame mind, although ſome more ſoftning Expreſſions were for meer ſhame thought fit to be inſerted. In this Correct Edition, the Queſtion is put,* Why was it neceſſary for Chriſt to ſuffer as he did? *And the Anſwer is two-fold;* 1. That Chriſt ſuffered for our Sins by God's appointment, and underwent a cruel Death as a Sacrifice of Expiation. *Who could imagine this to be the* Racovian Catechiſm *ſtill?* 2. Becauſe thoſe who are to be ſaved by him are ſubject to the like Suffering. *This is ſomewhat a dark Reaſon; but the former is that which we are to conſider.* p. 141.

Chriſt, *ſay they,* ſuffer'd for the ſins of Mankind, and was a Sacrifice of Expiation by his Death. *What can we deſire more? ſhall we always maintain diſputes about Words, when we agree in Senſe? No, that is not the Caſe, but we may ſeem to agree in Words and differ in Senſe. That therefore muſt be more ſtrictly examined. But becauſe they ſometimes ſeem to be diſpleaſed that* we take their Opinion from foreign Writers, (*ſince they here ſet up for themſelves and are ſo able to expreſs their own Senſe*) *and becauſe they refer me* to their own late Prints in the Engliſh Tongue, *therefore I ſhall apply my ſelf to them, to find out what their true Senſe in this matter is. And they ſeem freely to tell us what* they deny *and what* they affirm. Conſiderations on the Explications of the Trinity by Dr. *W. &c.* p. 32.

1. They deny that this Sacrifice was by way of true and proper Satisfaction or full and adequate Payment to the Juſtice of God. Anſwer to my Serm. p. 12.

2. They affirm, that this Sacrifice was only an Oblation, or Application to the Mercy of God.

In another place they complain, that very few of their Adverſaries have really underſtood what they affirm or deny concerning the Cauſes or Effects of our Saviour's Death. *And they ſay,* the Queſtion is only this, Whether the Lord Chriſt offer'd himſelf as ſuch a Sacrifice, Oblation or Price as might be made to the Juſtice of God, by way of Equivalent for what we ſhould have ſuffer'd; or was an Oblation or Satisfaction as all former Sacrifices under the Law were, to the Mercy of God by way of Humble Suit and Deprecation? *So that they will no longer diſpute with us, about the Death of Chriſt being* an Expiatory Sacrifice for the Sins of Mankind; *and ſo this Point ſeems wholly gained. But we muſt have a care of being deceived by them. For the Scripture was too clear and full to be born down by the Authority or Evaſions of* Socinus; *and therefore they found it neceſſary to comply in Terms, as long as they could keep to their own Notions under them. But what is the true meaning of* an Expiatory Sacrifice to the Mercy of God? *If it be no more but as a* Condition intervening, Socinus *would not allow that to make an* Expiatory Sacrifice, *and therein he was in the Right.* Anſwer to *Milb.* p. 58.

The main Point then between us ſeems to be whether the Death of Chriſt had Reſpect to the Juſtice or to the Mercy of God? *And here we muſt conſider what they underſtand by* the Juſtice of God. Anſwer to *Milb.* p. 53.

1. They ſay, that Almighty God as King and Proprietor of all Perſons and Things, can forgive any Offence or all Offences, even without Repentance or Amendment, nor is it contrary to his Juſtice ſo to do.

2. That it is not the Juſtice of God, by which he is prompted to puniſh ſinners, but his Holineſs and Wiſdom, and that juſtice hath no other ſhare or intereſt in Puniſhment, but only to ſee that Puniſhment be not miſplaced, and that it do not exceed the Offence.

3. That

3. That God could not (juſtly or wiſely) ſubſtitute an innocent
p. 54. and well deſerving Perſon to undergo Puniſhment, properly ſo called in the Place of the unrighteous and worthleſs, becauſe it is of the Nature of Juſtice not to miſplace Puniſhments.

4. That Chriſt could not offer himſelf freely for us to undergo the Puniſhment due to us, nor could God accept of it, or allow it: becauſe it is of the very Eſſence of Juſtice not to miſplace Puniſhment
p. 55. and not to exceed the Deſert of the Offence, which they ſay are the two things that conſtitute the Nature of Punitive Juſtice.

Trinitarian Scheme of Relig. p. 18. *In another place, they ſay,* That Chriſt made himſelf an Oblation, an Expiatory Sacrifice on the Altar of the Croſs for our Sins. But his Sufferings were not (as Trinitarians teach) deſigned as a Puniſhment laid on him in our ſtead, becauſe Puniſhment is the evil of Suffering inflicted for the evil of Doing; but Chriſt having done no ſin; what he underwent was only labour and ſuffering and no Puniſhment. *And again they ſay,* the Oblation was not made to the Juſtice, but to the Mercy of God. But the Sufferings of Chriſt being graciouſly accepted by God, as an Interceſſion on our behalf, God was ſatisfied with them, and this, *they ſay,* is the proper Notion of Satisfaction. *The ſame they repeat in other places. And if no more were to be regarded but meer words, this Controverſie were at an end; for they own Chriſt's Death to be* an Expiatory Sacrifice for the Sins of Mankind, *and that he made by his Sufferings* Satisfaction to God.

p. 19.

Anſwer to the Archbiſhop, p. 32.

But I ſhall now make it appear, that whatever they pretend, they do really own no ſuch thing as the Death of Chriſt being an Expiatory Sacrifice for the Sins of Mankind. *However, we have this Advantage by theſe Conceſſions, that the Scriptures are yielded to be on our ſide, and that they are forced to ſpeak as we do, whatſoever their meaning be. But that they do not own any proper* Expiatory Sacrifice in the Death of Chriſt, *will beſt appear by an Account of the* Riſe *and* Progreſs *of this Controverſie, and of the true* State *of it.*

The firſt Riſe *of it was from the Multitudes of Places of Scripture, which Attribute all the proper Effects of an* Expiatory Sacrifice to the Death of Chriſt. *And that by thoſe who beſt underſtood for what End it was that Chriſt ſuffer'd, and had no Intention to deceive or to amuſe Mankind, I*
Matt. 10. 28. *mean our Saviour and his Apoſtles. Our Bleſſed Saviour himſelf ſaith,* That
Mark 10. 45. the Son of Man came to give his Life a Ranſom for many. A Ranſom *as to what? Surely not* as to the Mercy of God. *But Chriſt's Death was a* Ranſom *as it was an* Expiatory Sacrifice; *and if the one reſpects the* Mercy of God, *the other muſt do ſo too. They may ſay,* the Ranſom is from the Puniſhment of Sins, but this Ranſom might be made as to the Mercy of God, which delivers from it. *But a* Ranſom *is ſomething which is paid or laid down as a* Price *of* Redemption; *and was very well*
Levit. 17. 11. *underſtood in that Senſe among the* Jews; *who all knew that by their Law,* the Blood of the Sacrifices was appointed to be a Ranſom for their Souls. For it is the Blood that maketh an Atonement for the Soul.
Heb. 9. 22. *To which the Apoſtle refers, when he ſaith,* That without ſheding of Blood there is no Remiſſion. *So that hereby the* Jews *underſtood theſe things,* (1.) *That there was a Puniſhment due to their Sins, from which they could expect no Deliverance but by the Blood of Sacrifices as a Ranſom or Price of Redemption for them.* (2.) *That as the Puniſhment became due by the Law, and the execution of it was by the Juſtice of God, ſo the Ranſom or Price of Redemption muſt be by way of Satisfaction to the Law, in*

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such a manner as it had appointed. (3.) *That they had no other Notion of an* Expiatory Sacrifice, *but the Offering* the Blood of the Sacrifice *for an* Atonement *in order to the Averting* the juſt Diſpleaſure of God *againſt them for their Sins; and this was that, which they underſtood by* Expiation *or* Remiſſion of Sins. (4.) *That* the Expiation *did not depend upon* the Sacrifice, *as an* intervening Condition *as to* the Party, *who thereby performed an Act of Obedience, but upon* the Nature of the Sacrifice *which was offer'd to* God. *For, whatever had been required,* the Obedience *had been the ſame; but here the great Force is laid on* the Blood being offer'd for Expiation. (5.) *That however* the Mercy of God *was ſeen both in* the Appointing *and* Accepting the Ranſom; *yet* the Expiatory Sacrifice *was never underſtood by them to Reſpect* the Mercy of God, *but his* Juſt Diſpleaſure *againſt* their Sins. *What ſtrange Language would it have been thought among* the Jews *to offer* an Expiatory Sacrifice to the Mercy of God? *But Men that bring in* New Doctrines, *muſt make a* New Senſe of Words and Phraſes; *or elſe they can never reconcile them to each other. And it is a mighty Advantage to our Cauſe, that we underſtand* the Expreſſions of the New Teſtament *with Reſpect to* theſe Matters, *no otherwiſe than* the Jews *underſtood them, among whom they were ſpoken; and who had their own Law to interpret them by. Our preſent* Unitarians *do not deny* that the Sacrifices *under* the Law *had an immediate* Reſpect to God; *but they ſay,* it was not by way of Satisfaction to the Juſtice of God, but by way of Application to the Mercy of God, by way of humble Suit and Deprecation.

But if there were ſuch a Sanction of the Law, whereby an Obligation to Puniſhment did follow the Offences forbidden by it; If the Juſtice of God were concerned to ſee the Puniſhment executed, if the Law were not ſatisfied; If the Sacrifice of Atonement or Expiation were deſigned for ſatisfaction of the Law; and God did accept it for that end, then it follows, that theſe Sacrifices were intended not merely as Rites of Interceſſion *and* Deprecation *to the Mercy of God; but by way of* Satisfaction *to his* Juſtice. *For was it not Juſtice in God to puniſh Offenders againſt his Law? Was it not Juſtice in God to require a Satisfaction to his Law when it was broken? Was it not Juſtice in God, when he had declared that he would accept a Sacrifice of Atonement, to require that inſtead of the Puniſhment of the Offenders, and to puniſh thoſe who wilfully neglected or deſpiſed it? How then, can they pretend* that theſe Sacrifices had no Reſpect to the Juſtice of God? *We never read in Scripture any Expreſſions, as to the Methods of Supplication like this,* That the Blood of the Sacrifices was to expiate for their Sins: and that it was given for an Atonement for the Soul. *Is it ever ſaid, that Prayer and Supplication was to make a Sacrifice of Atonement, and that it was appointed for that End? Prayer is a Natural and Neceſſary Duty and a Condition in order to Pardon, but the Life and Force of that lies in a Man's own Breaſt, in the inward and fervent Deſires of the Soul: but a Sacrifice of Atonement was a thing of another Nature, the Blood was to be ſhed and then offer'd up to God, as a Sacrifice of Atonement, which God himſelf had appointed for that End; and without which no Remiſſion of Sins was to be expected.* But was not this from the Mercy of God to appoint ſuch a Sacrifice of Atonement? *No doubt of it, and ſo it was that he would accept it for ſuch an End. But that is by no means the preſent Queſtion; for it is, Whether the Sacrifice, which God appointed for an Atonement, was only a Rite of* Supplication to the Mercy of God? *In one Senſe a Sacrifice of Atonement is a way of* Deprecation: *but then it*

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relates to the Wrath and Displeasure of God; for it is that which God hath appointed as the Means of Averting his Wrath, and Preventing the Execution of his Justice. But the main Question is, Whether the Sacrifice of Atonement as to God's just Wrath and Displeasure, be not a Real Satisfaction to his Justice? *For if he be justly displeased, and might justly punish, but doth accept a Sacrifice of Expiation in stead of it, although there be a Concurrence of Mercy, yet there is a Real Atonement to his Justice: unless they will say, the Justice of God is not concerned in preserving the Honour of his Laws. But of this more afterwards. If an* Expiatory Sacrifice *under the Law were nothing else but a Solemn Rite of* Supplication to the Mercy of God *it would take away the Typical Nature of these Sacrifices, and especially those on the Day of Expiation. For what doth a Rite of Supplication and Intercession represent* as a Figure of something to come?

Levit. 6. 10, 11. 14, 15, 19. *Why were* the Goat *and* the Bullock for the Sin-Offering to be presented alive before the Lord; *then* their Blood to be shed, and to be sprinkled before the Mercy-seat and upon the Altar? *Why was the* Scape-Goat *to have* the Sins of the People confessed over him and put upon his head? v. 21. 27. *Why was* the Flesh of the Bullock and Goat that was Sacrificed burnt without the Camp? *Do these look like* Applications to the Mercy of God, by way of humble Suit and Deprecation? *But the Apostle to the* Hebrews Heb. 9. 9, 12, 13, 14. *tells us, these things were a* Figure *representing Christ* offering himself up to God by his own Blood, who having obtain'd eternal Redemption for us enter'd into the Holy Place (*in Heaven*) *whose Blood was far more effectual for* the Purging away of Sin, *than* the Blood of Bulls and Goats *could be; and to answer to the burning of the* 13. 12. *Flesh of the Sacrifices without the Camp*, that he might Sanctify the People with his own Blood, he suffer'd without the Gate. *Was all this nothing but* an Oblation to the Mercy of God by way of Prayer and Intercession? *Why all this Ceremony about an Oblation of Prayer, which depends on the hearty Devotion of him that makes it? Why did not the* High-Priest *enter* without Blood into the Holy of Holies, *if it were nothing but a Rite of Supplication? Why was* the Blood sprinkled upon the Altar for Atonement, *after he came out from* the Mercy Seat? *Why was* the Flesh burnt without the Camp? *Was that for* Intercession *too? But saith the Correct* Racovian Catechism, *all this doth not prove* that the whole Expiatory Sacrifice of Christ was performed on the Cross, but only that it was begun there and perfected in Heaven. *This doth evidently prove*, that the Blood of Christ *was* shed *for* the Expiation of Sins, *and that as* the High-Priest *went into* the Holy of Holies *with* the Blood *of* the Sacrifice *of* Atonement *there to make* Intercession; *so Christ as our* High-Priest Heb. 7. 25. *with his* Blood *shed entered into Heaven, where* he ever lives to make Intercession for us. *But say they*, the Sacrifices under the Law did not make any proper Satisfaction for Sin, therefore neither did Christ's Sacrifice. *So that at last they confess that Christ's death was no* proper Expiatory Sacrifice; *for whatsoever is so, must make* Satisfaction *to the Law and Justice of God. But say they*, the Sacrifices were not offer'd for Payment but for Remission. *I say, they were* a Payment *in order to* Remission. *I mean such a* Payment *as the Law appointed and God accepted, and that is true and proper* Satisfaction. *But we must distinguish a* Legal Payment *and Satisfaction, from* Pecuniary Payment *to a Creditor. And all the Confusion these Men have run into, hath been from want of distinguishing these; of which I have treated at large in the following Discourse.*

Thus

Thus far it appears that they have by no means allow'd the Death and Sufferings of Christ to have been an Expiatory Sacrifice *in the Sense of the* Jews, *as it was a* Ransom or Price of Redemption.

But there is something farther to be consider'd in an Expiatory Sacrifice, *and that is a* Substitution in Place of the Offenders. *For that* the Jews *and others understood by a* Sacrifice *of* Expiation, *when the Punishment of one was laid upon another, in order to his deliverance. Not that the very same was to be undergone, as appears by the Sacrifice of* Atonement *on the Day of* Expiation; *which was not that which* the People of Israel *were to have suffer'd without it, but it was what God Appointed and Accepted instead of their* Punishment: *and therefore* the Scape-Goat *is said* to bear upon him all the Iniquities of the People, *which was supposed to be so much charged with them, that he that let him go* was to Purify himself before he could come into the Camp. *So in* the Sin-offering for the Congregation, the Elders were to lay their hands upon the head of the Bullock before the Lord: *and in* other Sacrifices *the Rule among* the Jews *was*, that none but the Owner was to lay on his Hands; *to shew on whose Account he was offer'd up as a* Sacrifice of Atonement. *For here* the Right of Dominion *was sufficient for* Substitution; *but in a Rational Agent*, Consent *is necessary to make it* Just. Levit. 16. 22. 26. 4. 15. 1. 4.

Having thus seen, what the true Nature of an Expiatory Sacrifice *was, we must now consider, how far this can agree with* the Suffering *of* Christ *for* the Sins *of* Mankind. *And we have already found our* Saviour *himself declaring*, that he gave his Life a Ransom for many. *But that is not all; for when he* instituted *his* last Supper *for a* Commemoration *of his* Suffering, *he said*, For this is my Blood of the New Testament, which is shed for many for the Remission of Sins. *His Disciples, to whom he spake these* Words, *must understand them as the* Jews *commonly did; when* the Blood *of* a Sacrifice *was offer'd for an* Atonement *in order to the* Remission of Sins. *And one great end of his* Preaching *was to declare that he came into the World with that design; that it was the Will of God he should suffer, and* that he came to do his Will. *And therefore speaking of laying down his Life, he saith*, No man taketh it away from me but I lay it down of my self. I have power to lay it down and I have power to take it again. This Commandment have I received of my Father. *So that here we have* God's Appointment *of such a* Sacrifice *of* Atonement *for Mankind; Christ's free and voluntary* Consent *for the undertaking it, and a Translation of the* Punishment *of our Sins upon him; which St.* Paul *calls* God's making him to be sin for us who knew no Sin; *which shews that the Sufferings of Christ were on the Account of our Sins, being laid upon him by his own Consent as our* Sin-offering; *or a* Sacrifice of Expiation for our Sin. *And in another place saith*, that he hath redeemed us from the Curse of the Law, being made a Curse for us. *How could he be made* a Curse for us *in order to* the Redeming us from the Curse of the Law; *if his* Sufferings *were only a mere voluntary Condition in order to his* Exaltation, *without bearing the Burden of our Sins? But St.* Paul *adds*, that we have Redemption through his Blood, the Forgiveness of Sins. *That*, God hath set him forth as a Propitiation through Faith in his Blood, to declare his Righteousness for the Remission of Sins. *That*, when we were enemies, we were reconciled to God by the Death of his Son. *That* he hath given himself for us, an Offering and Sacrifice to God. *That*, he appeared to put away Sin by the Sacrifice of himself; and that he was once Heb. 10. 9, 10. John 10. 17, 18. 2 Cor. 5. 21. Gal. 3. 10. Eph. 1. 7. Coloss. 1. 14. Rom. 3. 25. 5. 10. Eph. 5. 2. Heb. 9. 26. 28.

1 Tim. 2. 6. offer'd to bear the Sins of many. *That*, he gave himſelf a Ranſom for all.

Neither was it St. Paul *only who ſpeaks after this manner; but St.*
1 Pet. 2. 24. 3. 18. Peter *ſaith*, that his own ſelf bare our Sins in his own Body on the Tree. *That* Chriſt alſo hath once ſuffered for Sins, the Juſt for the Unjuſt.
1 John 1. 7. 2. 2. 4. 10. *And St.* John, That the Blood of Jeſus Chriſt his Son cleanſeth us from all Sin, and that God ſent his Son to be the Propitiation for our Sins. *So that Chriſt and his Apoſtles agree in the ſame manner of expreſſion; and great weight is laid upon Chriſt's being a* Propitiation *for us, and our Hopes of Remiſſion of Sins and the Favour of God depend upon it. What now is to be ſaid to all theſe places of* Scripture? *Were they deſigned only to humour and impoſe upon the Credulity of Mankind by telling them of ſuch an* Expiatory Sacrifice *in the Death of Chriſt, which never was nor could be, being Repugnant to the Juſtice of God? For Chriſt, ſay they,* being Innocent could not ſuffer the Puniſhment of our Sins, and God being Juſt could not accept of it, although he freely offer'd himſelf as a Sacrifice for our Sins. *Doth this agree with the Force and Deſign of all theſe Expreſſions? Had not Chriſt the Power and Will to offer up himſelf as a* Sacrifice *of Propitiation to God? And where lies the* Injuſtice *of accepting ſuch a* Sacrifice *which he freely offer'd?* But it could not be, *ſay they,* by way of Puniſhment for our Sins. *What then is the meaning of all thoſe places, wherein he is ſaid to* bear our Sins *and to ſuffer in our ſtead,* the juſt for the unjuſt? *What is this but to contradict the Tenour and Scope of* the New Teſtament *with reſpect to the Death of Chriſt; and to turn their Senſe quite another way from what they were thought to ſignifie at that time? Which is no reaſonable way of interpreting Scripture.*

Do they deny that Chriſt ſuffered, what we ſay he did? No; that they dare not do. But they ſay, What he underwent was only Labour and Suffering; but not the Puniſhment of our Iniquities. *Then, I ſay, it could be no* Expiatory Sacrifice, *which implies* a Subſtitution, *and the contrary appears by the many places of* Scripture *already mentioned, wherein our Sins and the Sufferings of Chriſt are joined together.*

Thus we ſee the true Riſe *of this Controverſie was from the many places of Scripture, which ſeem very plain and clear in this* matter; *and therefore I ſhall now give an account of the* Progreſs *of it.*

F. Socinus *ſeeing the bent of the Scripture ſo much againſt him, ſets himſelf to the finding out ways to avoid the force of them.*

Socin. de Serv. l. 2. c. 1. in fin. 1, *To thoſe which ſpeak of Chriſt's being* a Ranſom *or* Price of Redemption for us, *he anſwers,* That theſe Expreſſions are to be underſtood only Metaphorically, and Chriſt's Death being an Intervening Condition in order to our Deliverance; it is therefore called a Price of Redemption. *And to the ſame purpoſe, the Correct* Racovian Catechiſm; *only there it is added,* That God did accept of the Death of Chriſt as a moſt Acceptable Sacrifice. But not by way of Satisfaction or Payment of our Debts, becauſe he as a Sacrifice was given by God himſelf; but that he might give us the greater Aſſurance of Pardon and Eternal Life.

So that here we have the true State of this Matter *before us;* viz. *Whether* the Death of Chriſt, *when it is ſaid to be a Ranſom or Price of Redemption for us, is only to be looked on as a hard Condition on his ſide Intervening, or as a proper Sacrifice of* Atonement, *which God had appointed, for* the Expiation *of* ſins? *The Queſtion is not, Whether God appointed*

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or accepted him, for that we have allowed in all Sacrifices of Atonement; *by* the Law *of* Moſes; *but whether his Sufferings were not required in order to* the Satisfaction *of* Divine Juſtice *for the Sins of Mankind; not by way of* ſtrict Payment, *as in caſe of* Debts; *but by a* Legal Satisfaction to the Juſtice of God *as it is concerned in* the Honour of his Laws.

Our Unitarians *grant*, That Chriſt was a Ranſom and Price of Redemption for us; *but they deny*, That he was an Adequate Price, or a Sacrifice to the Juſtice of God. *But ſtill they run upon* the Notion *of* Debts *and* Payments, *as though there were no other* Notion *of* Juſtice *and* Satisfaction *but between* Creditors *and* Debtors; *or as if* their Notions of theſe things *were rather taken from* the Shops *than* the Schools. *And the* monſtrous Contradiction *they conclude the charge of* our Doctrine *with, is*, That God freely Pardons the whole Debt of Sin, and yet hath been infinitely over-paid for both in the Death and other Sufferings of the Lord Chriſt. Anſw. to Miſb. p. 58.

But in the following Diſcourſe, *I have endeavoured to lay open* this Miſtake, *by ſhewing, That* Debts *and* Puniſhments *are of a different* Nature; *and therefore* the Satisfaction *in* one Caſe *is not to be meaſured by* the other. *But I ſhall not here* anticipate the Reader, *as to what* follows; *but I ſhall take notice of what they ſay, which ſeems to relate to* this Matter. Ch. I.

Almighty God, *ſay they*, as King and Proprietor of all Perſons and things, can forgive any Offence or all Offences even without Repentance or Amendment, nor is it contrary to his Juſtice ſo to do.

This is a very ſtrange Aſſertion. For then there is no Obligation *on* God's part *in point of* Juſtice *to puniſh* the moſt Impenitent *and* Incorrigible Offenders. *But there is a great deal of difference, between making* the Exerciſe of Punitive or Vindictive Juſtice *neceſſary upon every* Offence, *and ſaying that* the Juſtice of God *doth not require that any* Offences *ſhould be puniſhed.*

The former makes Juſtice *in* God *to proceed by a* natural Neceſſity, *which would leave no place for* Mercy, *nor any* Satisfaction by a Mediator, *for that muſt ſuppoſe* Liberty *and* Relaxation, *as to* the Executive Part of Juſtice. *And if God muſt puniſh Sinners as they deſerve, there can be no ſtop to the Execution of Juſtice ſhort of* Annihilation; *for our very Beings are* the Gift of God *which we have deſerved to be deprived of. But on the other ſide, to ſay*, that the Juſtice of God *doth not require* the Puniſhment *of any* Offences without Repentance or Amendment, *is to overthrow any ſuch thing as* Punitive Juſtice *in* God; *by which I do not mean*, the actual Execution of it, *and* the due Meaſures *which belong to it, but* the Will *to puniſh* Obſtinate *and* Impenitent Sinners. *And that reſults from his* Hatred *and* Abhorrency *of* Evil, *and his juſt* Government *of* the World. *For how can any Men, who believe that* God *is really diſpleaſed with the* Wickedneſs *of Men, and that he is a* Juſt *and* Righteous Governor, *ever think that it is not* Repugnant *to his* Juſtice *to forgive all* Offences *without* Repentance *or* Amendment? *How can his* Hatred of Sin *and* the Juſtice of his Government *be reconciled with the* Impunity *of the moſt* Obſtinate Offenders? *Is there no ſuch thing as* Juſtice *to himſelf and to his Laws; which lies in a juſt* Vindication *of his* Honour *and of his* Laws *from* Contempt? *And who can be guilty of greater* Contempt *of him, than thoſe who perſiſt in their* Wickedneſs, without Repentance or Amendment? *And after all*, Is it not contrary to his Juſtice to forgive ſuch as theſe, becauſe he is abſolute Lord and Proprietor

etor of all Persons and Things? *This might signifie something, if we could imagine God to be nothing but* Almighty Power *without* Justice: *but if his* Justice *be as Essential an Attribute as his Omnipotency, we must not so much as suppose* the Exercise *of one without the other.*

Answ. to Milb. p. 53. *But they do not deny,* That it is inconsistent with the Wisdom and Holiness of God to let the Incorrigible and Impenitent escape unpunished, or to forgive Sin without Repentance or Amendment. *But if* the Wisdom *and* Holiness *of* God *will not permit* the Impunity of Impenitent Sinners, *is it not* just in God to punish them? *Not barely as to* the Degree *and* Desert *of* Punishment; *but as to* the Will of Punishing *them according to* their Merits? *Whence doth* their Punishment *come? Is it not from* the Will of God? *Is* that Will *just or not? If* the Will *to punish be just, whence comes it to be so? From* the Wisdom *and* Holiness *of* God? *Then* Punitive Justice, *when it is agreeable to* God's Wisdom *and* Holiness, *is a proper* Divine Attribute *as well as they. And they must have strange* Notions *of* Punitive Justice, *who would separate it from them.*

But Justice, *they say,* hath no other share or interest in the Punishment, but only to see that Punishment be not misplac'd, and that it do not exceed the Offence. *We are far from denying these things to belong to* the Measures *in* the Exercise of Punitive Justice: *But whence comes* Punitive Justice *to belong to* God? *Is it not because it is just in him to punish* Offenders *according those Measures? And whence comes this, but from* that Universal Justice in God, *which is always joyned with his* Wisdom *and* Holiness: *and implies an* Universal Rectitude *in all he doth? And from thence it comes that all* the Measures of Justice *are observed by him in* the Punishment *of the greatest* Offenders.

Now this Universal Justice *in* God *is that, whereby he not only punishes* Obstinate *and* Impenitent Sinners, *but he takes care of preserving the Honour of his Laws. And therefore, although* Almighty God *out of his great* Mercy *were willing that* Penitent Sinners *should be forgiven; yet it was most agreeable thereto, that it should be done in such a manner as to discourage Mankind from the practice of Sin, by the same way by which he offers* Forgiveness; *and for this end, it pleased God in his Infinite* Wisdom *and* Goodness *to send his* Son *to become a* Sacrifice *of* Propitiation *for the* Sins *of Mankind; which being freely undertaken by him, there was no breach in the* Measures of Punitive Justice *with respect to him; and so by his Death he offered up himself as* a full, perfect and sufficient Sacrifice, Oblation and Satisfaction for the Sins of Mankind. *And this is* that Doctrine *of* the Satisfaction of Christ *which* we own *and* defend.

But these bold Assertions, That God as absolute Lord may forgive all Offences without Repentance, *and* it is not contrary to his Justice so to do; that, it is not the Justice of God which prompts him to punish Sinners; *arise from too mean and narrow a Conception of* Divine Justice; *as though it lay only in the manner of the Execution of it. But that there is an* Essential Attribute *of* Justice *belonging to* the Divine Nature, *appears from hence, that there are some things which are so disagreeable to* the Divine Nature, *that he cannot do them; he cannot break his Promises, nor deceive Mankind to their Destruction; he* cannot deny himself, *nor pervert that Order, or due Respects of things to each other, which he hath established in the World. He cannot make it the Duty of Mankind to dishonour their Maker, or to violate the Rules of Good and Evil, so as to make Evil Good and Good Evil; he cannot make Murder and Adultery to be Vertues, nor Impiety and Wick-*

Wickedneſs not to deſerve Puniſhment. But whence comes all this? Is it that God wants Almighty Power *to do what he pleaſes? No doubt, he is ſupreme Lord over all, and hath all things under his Will. But there is an Eſſential Juſtice in God, which is a ſupreme Rule of Righteouſneſs, according to which he doth always exerciſe his Power and Will. And ſo* Moſes *ſaith of him,* All his ways are perfect, a God of Truth, and without Iniquity, juſt and right *is he; and the* Pſalmiſt, The Lord is righteous in all his ways and holy in all his works. *He not only is ſo, but he can be no otherwiſe, for this Univerſal Righteouſneſs is as great a Perfection and Attribute of God, as his Wiſdom, or Power. It is not one Name which ſtands for all; but it is a real and diſtinct Attribute of it ſelf: It is as a Rule and Meaſure to the Exerciſe of the reſt. And he particularly ſhews it in all the Acts of Punitive Juſtice: So* Nehemiah; Howbeit thou art juſt in all that is brought upon us, for thou haſt done right, but we have done wickedly. *And* Daniel; Righteouſneſs belongeth unto thee, but unto us confuſion of Face: For the Lord our God is righteous in all his Works which he doth, for we obey'd not his Voice. *And* Zephaniah; The juſt Lord is in the midſt thereof, he will not do Iniquity. *From whence it appears that the Exerciſe of Punitive Juſtice is according to the Eſſential Juſtice or Righteouſneſs of the Divine Nature. And ſo* Abraham *pleaded with God,* Shall not the Judge of all the Earth do right? *i. e. Will he not puniſh according to the Righteouſneſs of his Nature? And ſo* Abimelech *argues from the natural Notion he had of God's righteous Nature,* Lord, wilt thou ſlay alſo a righteous Nation?

Deut. 32. 4. Pſal. 145. 17. Neh. 9. 33. Dan. 9. 7, 14. Zeph. 3. 5. Gen. 18. 25. 20. 4.

But here the main Difficulty which deſerves to be cleared is this, How far Punitive Juſtice *is founded on that* Univerſal Juſtice *which is an Eſſential Attribute of God. For the want of underſtanding this, hath been the great occaſion of ſo much Confuſion in the Diſcourſes about this matter. And for the clearing of it, theſe things muſt be conſidered;*

1. *That there is a difference between that Juſtice in God, whereby he hates Sin, and that whereby he puniſhes the Sinner. The hatred of Sin doth neceſſarily follow the Perfection of his Nature. Therefore God is ſaid,* To hate the Wicked; and Evil to be an Abomination to him; to love Righteouſneſs and to hate Wickedneſs. *But if the Puniſhment of the Offender were as neceſſarily conſequent as his Hatred of Sin, all Mankind muſt ſuffer as they offend, and there would be no place for Mercy in God, nor for Repentance in Men. But Sin in it ſelf is perfectly hateful to God, there being nothing like God in it; but Man was God's Creature and made after* his Image and likeneſs; *and however God be diſpleaſed with Mankind on the account of Sin, yet the Workmanſhip of God ſtill remains; and we continually ſee that God doth not exerciſe his Punitive Juſtice according to the Meaſures of their Iniquities. And they who plead moſt for the neceſſity of Punitive Juſtice, are themſelves a Demonſtration to the contrary; for they cannot deny, that they are not puniſhed as their Iniquities have deſerved. And if Punitive Juſtice be neceſſary in it ſelf it muſt reach the Perſons that have deſerved to be puniſhed, if there be no Relaxation of the Severity of it.*

Pſal. 11. 5. Prov. 6. 16. Pſal. 45. 7. Zech. 8. 17.

2. *That it is very agreeable to the* Divine Juſtice, *to exerciſe the Severity of Punitive Juſtice on obſtinate and incorrigible Offenders. And this is that whereon the Juſtice of the Puniſhments of Sinners in another World is founded; becauſe God hath been ſo merciful to them here, and uſed ſo many ways to reclaim them, and it is the Not exerciſing his Punitive Juſtice upon them in this World, which makes it ſo much more reaſonable in another. For thereby*

they

they have shewed their Contempt of God and his Laws, of his offers of Mercy and their willful obstinacy in offending him. And the reasonableness of the Punishment of such Offenders is not denyed by any of our more Learned Adversaries, as I have shewed in the following Discourse from Socinus *and* Crellius, *and might do from several others. But I need not mention any more, since in the late Correct Edition of the* Racovian Catechism *there is this Note,* That they have always asserted, that the Wicked shall be raised up at the great Day to undergo the Punishment of their Sins, and to be cast into the Fire prepared for the Devil and his Angels. *And for this, besides their Publick Confessions, they quote* Crellius, Schlictingius, Volkelius, Wolzogenius, *&c. And* Schlictingius *saith,* The Doctrine of future Punishments was necessary to be preached, as being part of the Christian Faith; and that God's Veracity is concerned in the Execution of his Threatnings. *Which is a part of Natural Justice. And those Learned Men, who have been thought most favourable to the* Socinian *Opinions have declared themselves very frankly as to the* Justice *of the Punishment of Impenitent Sinners.*

Ch. I. p. 20.

Catech. Racov. p. 179.

Schlictin. in Joh. 5. 29.

Curcellæus, *whom they often mention with respect, saith,* the Justice of God requires, that he should inflict the Punishments he hath threatned on Contumacious Sinners. *And* Limborch (*whom they sometimes appeal to*) *saith,* That the Justice of God doth not permit the Impunity of Refractary and Impenitent Contemners of his Grace. *Because, saith he,* God by his declared Will hath tied himself up from the Exercise of his Absolute Power; and his Laws would be trampled upon, and his Majesty slighted; nor would God's hatred of Sin ever be fully discovered. *And therefore* the Day of Wrath *is calld by St.* Paul, The Revelation of the Righteous Judgment of God. Episcopius *saith, That although in such Punishments, which depend only on the Will of the Lawmaker, he doth not think,* that God in Justice is obliged to make good his Threatnings; as he is to perform his Promises; (but that in such Cases God is not bound in Justice to execute all that the Law threatens; but when he thinks fit to punish, then his Justice requires him not to punish beyond the Commination) yet in the Case of obstinate and incurable Offenders, *he doth not deny,* that the Justice of God requires the Rigour of the Law to be executed upon them. *And he adds,* That the Day of Judgment will fully manifest the Justice of God in the Threatnings he hath made to Impenitent Sinners. *Even* Vorstius, *who was supposed to be too much inclined to the* Socinian *Doctrine, owns it to be* a part of God's Justice to punish wicked and impenitent Persons; that his Patience and Goodness may not be always contemned with Impunity. *And afterwards, That* although God doth no Injury to the Offender, if he doth not execute his Threatnings; yet out of regard to the Justice of his Word, he doth not recede from what he hath declared: But all Threatnings under the Gospel are Conditional; and none are damned by it, but such as continue in Impenitency and Unbelief. *And in his Explication he saith,* That where God hath absolutely declared his Will to punish in such a manner, he cannot forgive without Injustice.

Curcel. Instit. l. 2. c. 13. §. 5.

Limborc. Theol. Christ. l. 2. c. 12. §. 35.

Rom. 2. 5.

Episcop. Inst. Theol. l. 4. c. 29.

Vorst. de Attrib. Disp. 9. §. 38.

§. 47.

§. 50. Not. ad §. 46.

But our Unitarians *speak without any Reserve,* That it is not the Justice of God which prompts him to punish Sinners, and so it is not contrary to his Justice to forgive all Offences without Repentance or Amendment. *And thus the* Justice of God *is not concerned in the Punishments of the* great Day, *although the Apostle calls it,* The Revelation of the Righteous Judgment of God.

And

And by this the World may see how very far our Modern Unitarians are from handling this Subject more Carefully, Judiciously and Exactly than others; *However one of their own Party hath lately affirmed it; with as much Confidence and as little Ground as they have done other things.* Vindic. of S. R. H. p. 128.

3. *That it is very agreeable to* Divine Justice *to accept of a* Satisfaction *on behalf of the Sins of Mankind, who do not persist in their evil ways, so that their Sins shall be forgiven upon their Repentance and Amendment. For since the Exercise of Punitive Justice is not necessary on the Persons of the Offenders, and since God in this Life abates so much of his just Severity against them; he thereby shews, that he doth not proceed with Mankind here according to the Rigour of his Justice; but yet, since God hath given to them very just and righteous Laws, since those Laws have been broken and his authority contemned, it is very just for God to require a Sacrifice of Atonement for the Sins of the World, that Mankind may see that God was justly displeased at them, and that none take Incouragement to go on to commit them; but yet, that upon their hearty Repentance and sincere Obedience, they may be assured of the Remission of Sins and the Promise of Eternal Life. All the Difficulty now remaining is about* Christ's Suffering in our stead, *of which the Scripture speaks so fully in the places already mention'd. But we must consider what is Answered to them.*

II. *To those places of Scripture which speak of* Christ Suffering the Punishment of our Sins; *all that* Socinius *saith, comes to these two things.*

1. That Christ suffer'd on the occasion of our Sins, and with a Design to take away our Sins. Socin. de Servat. Part. 2. c. 4, &c. C. 7.

2. That by his Sufferings he came to have a Power to Forgive Sins; and that this is the proper Expiation of Sin. But by no means that he suffer'd in our stead; *for he hath these Words*; Ut nihil aliud sit Christum pro nobis mortuum esse, quam vice seu loco nostro mortem subiisse, id adeo à veritate abhorret ut nihil magis. *Which in plain English is*, that nothing is more false than that Christ suffer'd in our stead.

The old Editions of the Racovian Catechism *follow* Socinus, *and there the Answer to the Places which speak of* Christ's Dying for us, *is*, that they do not signifie in our stead; but for our good. *Which they are very careful to distinguish, because they think that the latter implies no more than a Condition in order to the Expiation in Heaven; but the other makes him a true Propitiatory Sacrifice for our Sins. But if Christ did not* suffer in our stead; *how can they possibly Reconcile his undergoing this Condition with their own Measures of Divine Justice? All they pretend to say, is*, that it was labour and Suffering but not Punishment. *Which is to speak against the Common Sense of Mankind; and is a ridiculous piece of* Stoicism. *They say*, it was a meer Act of Dominion as to Christ and not of Justice. *But if there be such an Essential Attribute as Justice in God, then the Exercise of Dominion must be regulated by it; especially where there was nothing but perfect Innocency. The Case is very different as to the sinful Race of Mankind, who having the Guilt of Sin upon them, God may justly exercise his Dominion over them as he sees cause; but he always doth it justly, although the particular Reasons may not be within our reach. But here is no Guilt of Sin considered, either of his own, or others; according to their Principles; and yet they make him to undergo as great Sufferings, as we do, who assert that he suffer'd for our sakes* in our stead; *which alone gives a Reasonable Account of it.*

But in the late Correct Edition of the Racovian Catechism *they say*, the Sense of Christ's Sufferings for our Sins is two-fold, but both come to one at last, 1. That Christ suffered as a Sacrifice in our stead; tanquam victima pro nobis Succedanea. *How can* Socinus *and the* Racovian Catechism *agree?* 2. That he suffer'd for our good. *But they deny any* Commutation *which they say*, was not in the Expiatory Sacrifices among the Jews. *What doth a* Substitution *differ from a* Commutation *in this Case?*

But how do suffering in our stead and for our good come all to one at last? *Either it must be, that Christ did truly* suffer in our stead, *when he underwent the Punishment of our Sins in order to our Redemption and Expiation; and that is a very good and true Sense; which we readily embrace, and are very well content that they should* come all to one: *Or if the meaning be only, that Christ may be said* to suffer in our stead, *because we have* Benefit *by the* Consequences of his Death; *then his dying is only consider'd as a bare* Condition *and not as a* Sacrifice in our stead.

ſtead. *As to make it plain by an Inſtance; we all agree that* Joſeph's Suffering *in* Egypt *was deſign'd by the Wiſe Providence of God for the good of his Brethren, which they received after his Advancement, to which his Suffering was an Antecedent Condition. But can any Man ſay, that he ſuffer'd in ſtead of his Brethren? But now if* Joſeph's *Brethren had been ſold for Slaves in* Egypt, *and* Joſeph *had gone down thither and offer'd himſelf a Priſoner for their Deliverance; this had been truly Suffering* in their ſtead, *as well as* for their Advantage. *And ſuppoſe the King of* Egypt *had agreed with* Joſeph, *that if he would become Priſoner for his Brethren, he would advance him, and he ſhould himſelf deliver them by his own Power; this doth not at all hinder his* Suffering in their ſtead. *But if it had no Relation to their Deliverance by his being made Captive himſelf; but was only a ſtep to his Advancement; then it cannot be ſaid to be* in their ſtead, *although it might turn to their Advantage. And ſo much for the Senſe of the* Racovian Catechiſm.

But our Unitarians *fly higher, for they ſay,*

1. That God could not juſtly or wiſely ſubſtitute an Innocent Perſon to undergo Puniſhment in place of the Guilty.

2. That Chriſt could not freely offer himſelf as a Sacrifice in our ſtead, nor could God accept of it, or allow it.

So that here we have the true State *of this Controverſie between us,* viz. whether Chriſt were a Real Expiatory Sacrifice for the Sins of Mankind. *For, if he could not be* Subſtituted in our ſtead, nor God accept of his offering up himſelf for us; *all the other expreſſions are meer Words given out on purpoſe to Amuſe and Deceive us.*

And this is that which I have undertaken to make out in the following Diſcourſe, viz.

Chap. II. 1. *That the Scripture doth as plainly ſet forth* that Chriſt ſuffer'd the Puniſhment of our Sins and in our ſtead, *as it could do; and that no Expreſſions could be thought of to that purpoſe, but might be anſwered in the ſame way that they do theſe. And therefore it is in vain to contend with ſuch Men, who are reſolved that Words and Phraſes ſhall ſignifie no otherwiſe, than they would have them. And yet at laſt they cannot deny but a kind of* Subſtitution *is implied as a* Victima Succedanea; *but how? That he ſuffer'd* for our good and by the occaſion of our Sins, *but not the* Puniſhment *of them. Thus far then we have gained, that the Words of Scripture are for us; but ſay they,* Whatever the Words are, they cannot mean any real Puniſhment, becauſe he was an Innocent Perſon. *Therefore I have ſhewed;*

Chap. III. 2. *That there is no Repugnancy in Reaſon, nor to the Juſtice of God for an Innocent Perſon to ſuffer by his own Conſent and for ſo great an End, what the Scripture attributes to our Saviour. And I have fully anſwered the Arguments brought by our Adverſaries to prove* that God could not juſtly or wiſely ſubſtitute an Innocent Perſon to ſuffer for the Guilty.

Ch. IV. v. 4. 3. *That* Chriſt did offer himſelf, as an Expiatory Sacrifice to God in our ſtead; and that God did accept and allow of it. *Which is the Deſign of the three laſt Chapters. And till an Anſwer be given to what I have there diſcourſed at large, I ſhall refer the Reader to what is already ſaid; and ſhall ſuppoſe thoſe* Anſwers *to be ſufficient, till I ſee ſome better Reaſons for their Opinion in this matter, than I have yet met with, although I have been no ſtranger to their late Writings, as, God willing, they may ſee on another Occaſion.*

E W.

April 24. 1696.

A

DISCOURSE

CONCERNING

The Sufferings of Christ.

CHAP. I.

I. *Of the* Socinian *way of interpreting Scripture; and of the uncertainty it leaves us in as to the main Articles of Faith, manifested by an Exposition of* Gen. 1. *suitable to that way.* II. *The State of the Controversie in general concerning the Sufferings of Christ for us. He did not suffer the same we should have done.* III. *The grand Mistake in making Punishments of the nature of* Debts. IV. *The difference between them at large discovered, from the different reason and ends of them.* V. *The Right of Punishment in God proved against* Crellius, *not to arise from mere dominion.* VI. *The end of Punishment not bare Compensation, as it is in Debts; what Punishment due to an injured Person by the right of Nature; proper Punishment a result of Laws.* VII. Crellius *his great Mistake about the end of Punishments.* VIII. *Not designed for Satisfaction of Anger as it is a Desire of Revenge.* Seneca *and* Lactantius *vindicated against* Crellius. IX. *The Magistrates Interest in Punishment distinct from that of private Persons.* X. *Of the Nature of Anger in God, and the Satisfaction to be made to it.* Crellius *his great Arguments against Satisfaction depend on a false Notion of God's Anger.* XI. *Of the ends of Divine Punishments.* XII. *The different Nature of them in this and the future State.*

SIR,

ALthough the Letter I received from your hands contained in it so many mistakes of my Meaning and Design, that it seemed to be the greatest Civility to the Writer of it, to give no Answer at all to it; because that could not be done, without the discovery of far more Weaknesses in him, than he pretends to find in my Discourse: Yet the Weight and Importance of the Matter may require a farther account from me, concerning *the true reason of the Sufferings of Christ.* Wherein my Design was so far *from representing Old Errors to the best Advantage, or to wreck my Wits to defend them,* as that Person seems to suggest; that I aimed at nothing more than to give a true Account of what upon a serious enquiry, I judged to be the most natural and genuine Meaning of the Christian Doctrine contained in the Writings of the New Testament.

Of the Socinian way of interpreting Scripture.

I. For finding therein such multitudes of Expressions, which to an unprejudiced Mind attribute all the the mighty effects of the Love of God to us, to the Obedience and Sufferings of Christ, I began to consider what reason there was why the plain and easie sense of those places must be forsaken, and a remote and metaphorical meaning put upon them. Which I thought my self the more obliged to do, because I could not conceive if it had been the design of the Scripture, to have delivered the received Doctrine of the Christian Church, concerning the reason of the Sufferings of Christ, that it could have been more clearly and fully expressed than it is already. So that supposing that to have been the true meaning of the several places of Scripture which we contend for; yet the same arts and subtilties might have been used to pervert it, which are imployed to perswade Men that is not the true meaning of them. And what is equally serviceable to Truth and Falshood, can of it self, have no power on the Minds of Men to convince them it must be one, and not the other. Nay, if every unusual and improper acception of words in the Scripture, shall be thought sufficient to take away the natural and genuine Sense, where the Matter is capable of it, I know scarce any Article of Faith can be long secure; and by these arts Men may declare that they believe the Scriptures, and yet believe nothing of the Christian Faith. For if the improper, though unusual acception of those Expressions *of Christ's dying for us*, of *Redemption, Propitiation, Reconciliation by his Blood, of his bearing our Iniquities*, and *being made Sin and a Curse for us*, shall be enough to invalidate all the Arguments taken from them to prove that which the proper Sense of them both doth imply, why may not the improper use of the terms of Creation and Resurrection, as well take away the natural Sense of them in the great Articles of the Creation of the World, and Resurection after death? For if it be enough to prove that *Christ's dying for us*, doth not imply *dying in our stead*; because sometimes *dying for others* imports no more than dying for some advantage to come to them; if *Redemption* being sometimes used for *mere deliverance*, shall make our *Redemption* by Christ, wholly *Metaphorical*; if the terms of *Propitiation, Reconciliation*, &c. shall loose their force, because they are sometimes used where all things cannot be supposed parallel with the Sense we contend for: Why shall I be bound to believe that the World was ever created in a proper Sense, since those Persons against whom I argue, so earnestly contend that in those Places in which it seems as proper as any, it is to be understood only in a Metaphorical? If when *the World and all things are said to be made by Christ*, we are not to understand the Production but the Reformation of the World and all things in it, although the natural Sense of the Words be quite otherwise; what Argument can make it necessary for me not to understand the Creation of the World in a metaphorical Sense, when *Moses* delivers to us the History of it? Why may not I understand *in the beginning*, Gen. 1. for the beginning of the *Mosaical* Dispensation, as well as *Socinus* doth *in the beginning*, John 1. for the beginning of the Evangelical? And that from the very same Argument used by him, *viz.* That *in the beginning* is to be understood of the main Subject concerning which the Author intends to write, and that I am as sure it was in *Moses* concerning the *Law* given by him, as it was in St. *John*, concerning the *Gospel* delivered by *Christ*. Why may not *the Creation of the Heavens and the Earth*, be no more than the erection of the Jewish Polity? since it is acknowledged,

John 1. 3, 10.

ged, that by *New Heavens and New Earth, wherein dwelleth Righteouſneſs*, no more is underſtood than a new State of things under the Goſpel? Why may not the *confuſed Chaos* import no more than the ſtate of Ignorance and Darkneſs, under which the World was before the Law of *Moſes?* Since it is confeſſed that it ſignifies in the New Teſtament ſuch a ſtate of the World before the Goſpel appeared? And conſequently, why may not *the Light which made the firſt Day* be the firſt tendencies to the Doctrine of *Moſes*, which being at firſt divided and ſcattered, was united afterwards in one great Body of Laws, which was called the *Sun*, becauſe it was the great Director of the *Jewiſh* Nation, and therefore ſaid *to rule the day*; as the leſs conſiderable Laws of other Nations are called the *Moon*, becauſe they were to govern thoſe who were yet under the *night* of Ignorance? Why may not the *Firmament being in the midſt of the Waters*, imply the erection of the Jewiſh State in the midſt of a great deal of trouble, ſince it is confeſſed, that *Waters* are often taken in Scripture in a Metaphorical Senſe for troubles and afflictions? And *the Earth appearing out of the Waters*, be no more but the ſettlement of that State after its troubles; and particularly with great Elegancy after their Paſſage through the Red Sea? And *the Production of Herbs and living Creatures*, be the great encreaſe of the People of all ſorts, as well thoſe of a meaner Rank (and therefore called Herbs) as thoſe of a higher, that were to live upon the other, and ſometimes trample upon them, and therefore by way of excellency called *the Living Creatures?* And when theſe were multiplied and brought into order, (which being done by ſteps and degrees, is ſaid to be finiſhed in ſeveral days) then the State and the Church flouriſhed and enjoyed a great deal of pleaſure, which was the production of Man and Woman, and their being placed in Paradiſe: (for *a perfect Man*, notes a high degree of Perfection, and *a Woman* is taken for the *Church* in the *Revelations*) but when they followed the Cuſtoms of other Nations which were *as a fobidden Tree* to them, then they loſt all their happineſs and pleaſure, and were expell'd out of their own Country, and lived in great ſlavery and miſery, which was the Curſe pronounced againſt them, for violating the Rules of Policy eſtabliſhed among them. Thus you ſee how ſmall a meaſure of Wit, by the advantage of thoſe ways of interpreting Scripture, which the ſubtileſt of our Adverſaries make uſe of, will ſerve to pervert the cleareſt Expreſſions of Scripture to quite another Senſe than was ever intended by the Writer of them. And I aſſure you, if that Rule of interpreting Scripture be once allowed; that if Words are ever uſed in a Metaphorical Senſe, there can be no neceſſity of underſtanding them any where in a proper; there is ſcarce any thing which you look on as the moſt neceſſary to be believed in Scripture, but it may be made appear not to be ſo upon thoſe terms. For by reaſon of the paucity, and therefore the ambiguity of the Original Words of the Hebrew Language, the ſtrange Idioms of it, the different Senſes of the ſame Word in ſeveral Conjugations, the want of ſeveral modes of Expreſſion which are uſed in other Languages, and above all the lofty and metaphorical way of ſpeaking uſed in all Eaſtern Countries, and the imitation of the Hebrew Idioms in the Greek Tranſlation of the Old Teſtament, and Original of the New, you can hardly affix a Senſe upon any Words uſed therein, but a Man who will be at the pains to ſearch all poſſible Significations and uſes of thoſe Words, will put you hard to it, to make good that which you took to be the proper

meaning of them. Wherefore although I will not deny to our Adversaries the praise of Subtility and Diligence; I cannot give them that (which is much more praise-worthy) of Discretion and sound Judgment. For while they use their utmost Industry to search all the most remote and metaphorical Senses of Words, with a design to take off the genuine and proper Meaning of them, they do not attend to the ill Consequence that may be made of this to the overthrowing those things, the belief of which themselves make necessary to Salvation. For by this way the whole Gospel may be made an Allegory, and the Resurrection of Christ be thought as metaphorical as the Redemption by his Death, and the force of all the Precepts of the Gospel avoided by some unusual signification of the Words wherein they are delivered. So that nothing can be more unreasonable than such a method of proceeding, unless it be first sufficiently proved that the Matter is not capable of the proper Sense, and therefore of necessity the improper only is to be allowed. And this is that which *Socinus* seems after all his pains to pervert the meaning of the Places in controversie, to rely on most; viz. *That the Doctrine of satisfaction doth imply an impossibility in the thing it self, and therefore must needs be false*; *nay*, he saith, *the infallibility of the Revealer had not been enough in this Case, supposing that Christ had said it, and risen from the dead, to declare his own Veracity*; *unless he had delivered it by its proper Causes and Effects, and so shewed the possibility of the thing it self. And the reason*, he saith, *why they believe their Doctrine true, is not barely because God hath said it, but they believe certainly that God hath said it, because they know it to be true*; by knowing the contrary Doctrine to be impossible. The Controversie then, concerning the meaning of the Places in dispute is to be resolved from the nature and reasonableness of the matter contained in them? For if *Socinus* his reason be answerable to his confidence, if the account we give of the Sufferings of Christ, be repugnant not only to the Justice, Goodness and Grace of God, but to the nature of the thing; if it appear impossible that Mankind should be redeemed in a proper Sense, or that God should be propitiated by the Death of his Son as a Sacrifice for Sin; if it enervate all the Precepts of Obedience, and tend rather to justifie Sins than those who do repent of them; I shall then agree, that no industry can be too great in searching Authors, comparing Places, examining Versions, to find out such a Sense as may be agreeable to the nature of things, the Attributes of God, and the design of Christian Religion. But if on the contrary, the Scripture doth plainly assert those things, from whence our Doctrine follows, and without which no reasonable account can be given either of the Expressions used therein, or of the Sufferings of Christ; if Christ's Death did immediately respect God as a Sacrifice, and was paid as a Price for our Redemption; if such a design of his death be so far from being repugnant to the nature of God, that it highly manifests his Wisdom, Justice and Mercy; if it assert nothing but what is so far from being impossible, that it is very reconcileable to the common Principles of Reason, as well as the Free-Grace of God in the pardon of Sin; if, being truly understood, it is so far from enervating, that it advances highly all the purposes of Christian Religion. then it can be no less than a betraying one of the grand Truths of the Christian Doctrine, not to believe ours to be the true Sense of the Places in Controversy. And this is that which I now take upon me to maintain.

Socin. de Servat. Part. 2. Cap. 4.

II. For

II. For our clearer proceeding herein, nothing will be more neceſſary, than to underſtand the true *State of the Controverſie*; which hath been rendred more obſcure by the miſtakes of ſome, who have managed it with greater Zeal than Judgment; who have aſſerted more than they needed to have done, and made our Adverſaries aſſert much leſs than they do: And by this means have ſhot over their Adverſaries Heads, and laid their own more open to Aſſaults. It is eaſie to obſerve, that moſt of *Socinus* his Arguments are levelled againſt an Opinion, which few who have conſidered theſe things do maintain, and none need to think themſelves obliged to do it; which is, That Chriſt paid a proper and rigid Satisfaction for the Sins of Men, conſidered under the notion of Debts, and that he paid the very ſame, which we ought to have done; which in the Senſe of the Law, is never called Satisfaction, but ſtrict Payment. Againſt this *Socinus* diſputes from the impoſſibility of Chriſt's paying the very ſame that we were to have paid; becauſe our penalty was eternal Death, and that as the conſequent of inherent guilt, which Chriſt neither did nor could undergo. Neither is it enough to ſay, *That Chriſt had undergone eternal Death, unleſs he had been able to free himſelf from it*; for the admiſſion of one to pay for another, who could diſcharge the Debt in much leſs time than the Offenders could, was not the ſame which the Law required. For that takes no notice of any other than the Perſons who had ſinned; and if a *Mediator* could have paid the ſame, the Original Law muſt have been disjunctive; *viz.* That either the Offender muſt ſuffer, or another for him; but then the Goſpel had not been the bringing in of a better *Covenant*, but a performance of the old. But if there be a relaxation or diſpenſation of the firſt Law; then it neceſſarily follows, that what Chriſt paid, was not the very ſame which the firſt Law required: For what need of that, when the very ſame was paid that was in the Obligation? But if it be ſaid, *That the dignity of the Perſon makes up, what wanted in the kind or degree of puniſhment*; this is a plain Confeſſion that it is not the ſame, but ſomething equivalent, which anſwers the ends of the Sanction, as much as the ſame would have done, which is the thing we contend for. Beſides, if the very ſame had been paid in the ſtrict Senſe, there would have followed a Deliverance *ipſo facto*; for the Releaſe immediately follows the Payment of the ſame; and it had been injuſtice to have required any thing further, in order to the diſcharge of the Offender, when ſtrict and full Payment had been made of what was in the Obligation. But we ſee that Faith and Repentance, and the Conſequences of thoſe two, are made Conditions on our Parts, in order to the enjoying the benefit of what Chriſt hath procured; So that the Releaſe is not immediate upon the Payment, but depends on a new Contract, made in conſideration of what Chriſt hath done and ſuffered for us. If it be ſaid, *That by Chriſt's Payment, we become his, and he requires theſe Conditions of us*; beſides the contrariety of it to the Scriptures, which make the Conditions to be required by him to whom the Payment was made; we are to conſider, that theſe very Perſons aſſert, that Chriſt paid all for us, and in our name and ſtead; ſo that the Payment by Chriſt was by a Subſtitution in our room; and if he paid the ſame which the Law required, the benefit muſt immediately accrue to thoſe, in whoſe Name the Debt was paid. For what was done in the Name of another, is all one to the Creditor, as if it had been done by the Debtor himſelf. But above all things, it is impoſſible to reconcile the freeneſs of Remiſſion,

The ſtate of the Controverſie in general.

miſſion, with the full payment of the very ſame which was in the obligation. Neither will it ſerve to ſay, *That though it was not free to Chriſt, yet it was to us.* For the ſatisfaction and remiſſion muſt reſpect the ſame perſon; for Chriſt did not pay for himſelf, but for us, neither could the remiſſion be to him. Chriſt therefore is not conſider'd in his own name, but as acting in our ſtead; ſo that what was free to him, muſt be to us; what was exactly paid by him, it is all one as if it had been done by us: ſo that it is impoſſible the ſame debt ſhould by fully paid and freely forgiven. Much leſs will it avoid the difficulty in this caſe to ſay, *That it was a refuſable payment:* For it being ſuppoſed to be the very ſame, it was not in juſtice refuſable; and however not in equity, if it anſwer the intention of the Law, as much as the ſuffering of the offenders had done; and the more it doth that, the leſs refuſable it is. And although *God himſelf found out the way*, that doth not make the pardon free, but the deſignation of the perſon who was to pay the debt. Thus when our Adverſaries diſpute againſt this opinion, no wonder if they do it ſucceſsfully; but this whole opinion is built upon a miſtake, that ſatisfaction muſt be the payment of the very ſame; which while they contend for, they give our Adverſaries too great an advantage, and make them think they triumph over the Faith of the Church, when they do it only over the miſtake of ſome particular perſons. But the foundation of this miſtake, lies in the conſideration of puniſhment, under the notion of *debts*, and that ſatisfaction therefore muſt be by ſtrict payment in rigour of Law; but how great that miſtake is, will appear in the ſubſequent diſcourſe. But it cannot but be wondred at, that the very ſame perſons who conſider ſins, as debts which muſt be ſtrictly ſatisfied for, do withal contend for the abſolute neceſſity of this ſatisfaction: whereas *Socinus* his Arguments would hold good, *if ſins were only conſidered as debts, and God as the mere Creditor of puniſhment; he might as freely part with his own right without ſatisfaction, as any Creditor may forgive what ſumm he pleaſes to a perſon indebted to him*; and no reaſon can be brought to the contrary, from that notion of ſins, why he may not do it. But if they be conſidered with a reſpect to God's Government of the world, and the honour of his Laws, then ſome further acccount may be given, why it may not be conſiſtent with that, to paſs by the ſins of men, without ſatisfaction made to them.

Of the difference of debts and puniſhments.

III. And becauſe the miſtake in this matter, hath been the foundation of moſt of the ſubſequent miſtakes on both ſides, and the diſcovery of the cauſe of errors, doth far more to the cure of them, than any Arguments brought againſt them; and withal, the true underſtanding of the whole Doctrine of ſatisfaction depends upon it, I ſhall endeavour to make clear the notion under which our ſins are conſidered; for upon that depends the nature of the ſatisfaction which is to be made for them. For while our Adverſaries ſuppoſe, that ſins are to be looked on under the notion of debts in this debate, they aſſert it to be wholly free for God to remit them, without any ſatisfaction. They make the right of puniſhment merely to depend on God's abſolute Dominion; and that all ſatisfaction muſt be conſidered under the notion of compenſation, for the Injuries done to him, to whom it is to be made. But if we can clearly ſhew a conſiderable difference between the notion of debts and puniſhments, if the right puniſhment doth not depend upon mere Dominion, and that ſatisfaction by way

of

of punishment, is not primarily intended for compensation, but for other ends, we shall make not only the state of the Controversie much clearer, but offer something considerable towards the resolution of it. The way I shall take for the proof the difference between debts and punishments, shall be using the other for the Arguments for it. For besides, that those things are just in matter of debts, which are not so in the case of punishments; as, that it is lawful for a man to forgive all the debts which are owing him by all persons, though they never so contumaciously refuse payment, but our Adversaries will not say so in the case of Sins; for although they assert, That the justice of God doth never require punishment in case of repentance, yet withall they assert, That *in case of impenitency, it is not only agreeable, but due to the nature and decrees; and therefore to the rectitude and equity of God not to give pardon.* But if this be true, then there is an apparent difference between the notion of *debts* and *punishments*; for the Impenitency doth but add to the greatness of the debt: And will they say, it is only in Gods Power to remit small debts, but he must punish the greatest? what becomes then of God's absolute liberty to part with his own right? will not this shew more of his kindness to pardon the greater, rather than lesser offenders? But if there be something in the nature of the thing, which makes it not only just, but necessary for impenitent sinners to be punished, as *Crellius* after *Socinus* frequently acknowledges, then it is plain, that sins are not to be considered merely as debts, for that obstinacy and impenitency is only punished as a greater degree of sin, and therefore as a greater debt. And withal, those things are lawful in the remission of debts, which are unjust in the matter of punishments; as it is lawful for a Creditor, when two persons are considered in equal circumstances, to remit one, and not the other; nay to remit the greater debt, without any satisfaction, and to exact the lesser to the greatest extremity; but it is unjust in matter of Punishments, where the reason and circumstances are the same, for a person who hath committed a crime of very dangerous consequence, to escape unpunished, and another who hath been guilty of far less to be severely executed. Besides these considerations, I say, I shall now prove the difference of debts and punishments, from those two things whereby things are best differenced from each other; *viz.* The different Reason, and the different end of them.

Non resipiscentibus veniam non considere, id demum naturæ divinæ, & decretis ejus & propterea rectitudini & æquitati debitum est ac consentaneum. Socin. de Servat. l. 1. c. 1. *Non resipiscentes pœnâ non liberare tum per se æquitati est admodum consentaneum, & positis quibusdam finibus quos Deus sibi in regendis hominibus præfixit facto necessarium.* Crell. c. Grot. c. 2. Sect. 29.

IV. (1.) *The different Reason of debts and punishments:* The reason of debts is dominion and property, and the obligation of them, depends upon voluntary contracts between parties; but the reason of punishments is Justice and Government, and depends not upon mere contracts, but the relation the person stands in to that Authority to which he is accountable for his actions. For if the obligation to punishment, did depend upon mere contract, then none could justly be punished, but such who have consented to it by an antecedent contract: If it be said, *That a contract is implied, by their being in society with others*; that is as much as I desire to make the difference appear, for in case of debts, the obligation depends upon the voluntary contract of the person; but in case of punishments, the very relation to Government, and living under Laws doth imply it. And the right of punish-

The reason of humane punishment is the publick interest.

puniſhment depends upon the obligation of Laws, where the reaſon of them holds, without any expreſs contract, or ſuperiority of one over another; as in the caſe of violation of the Laws of Nations, that gives right to another Nation to puniſh the infringers of it. Otherwiſe Wars could never be lawful between two Nations, and none could be warrantable, but thoſe of a Prince againſt his rebellious ſubjects, who have broken the Laws themſelves conſented expreſly to. Beſides, in caſe of debts every man is bound to pay, whether he be call'd upon or no; but in caſe of puniſhments, no man is bound to betray or accuſe himſelf. For the obligation to payment in caſe of debt ariſeth from the injury ſuſtained by that particular perſon, if another detains what is his own from him; but the obligation to puniſhment, ariſes from the injury, the Publick ſuſtains by the impunity of crimes, of which the Magiſtrates are to take Care; who by the diſpenſing of puniſhments, do ſhew that to be true which *Grotius* aſſerts, that if there be any Creditor to be aſſigned in puniſhment, it is the publick good: Which appears by this, that all puniſhments are proportioned, according to the influence the offences have upon the publick intereſt; for the reaſon of puniſhment is not becauſe a Law is broken, but becauſe the breach of a Law tends to diſſolve the community, by infringing the Authority of the Laws, and the honour of thoſe who are to take care of them. For if we conſider it, the meaſure of puniſhments is in a well ordered State, taking from the influence which crimes have upon the peace and intereſt of the community. No man queſtions, but that Malice, Pride and Avarice, are things really as bad as many faults, that are ſeverely puniſhed by humane Laws, but the reaſon theſe are not puniſhed is, becauſe they do not ſo much injury to the publick intereſt, as Theft and Robbery do. Beſides, in thoſe things wherein the Laws of a Nation are concerned, the utmoſt rigour is not uſed in the preventing of crimes, or the execution of them when committed, if ſuch an execution may endanger the publick more than the impunity of the offenders may do. And there are ſome things which are thought fit to be forbidden, where the utmoſt means are not uſed to prevent them; as Merchants are forbidden to ſteal cuſtoms, but they are not put under an Oath not to do it. And when penalties have been deſerved, the execution of them hath been deferred, till it may be moſt for the advantage of the publick: as *Joab*'s puniſhment till *Solomon*'s Reign, though he deſerved it as much in *David*'s. So that the rule commonly talked of, *Fiat juſtitia & pereat mundus*, is a piece of Pedantry, rather than true Wiſdom; for whatever penalty inflicted brings a far greater detriment to the publick, than the forbearance of it, is no piece of Juſtice to the State, but the contrary; the greateſt Law, being the ſafety and preſervation of the whole Body. By which it appears, that in humane Laws, the reaſon of puniſhment is not, that ſuch an action is done, but becauſe the impunity in doing it, may have a bad influence on the publick intereſt; but in debts, the right of Reſtitution depends upon the injury received by a particular perſon, who looks at no more than the reparation of his loſs by it.

The right of Divine puniſhment not mere Dominion.

V. We are now to conſider, how far theſe things will hold in Divine Laws, and what right of puniſhment doth reſult from them. For *Crellius*, the ſubtilleſt of our Adverſaries, knowing of how great conſequence the reſolution of this is, in the whole Controverſie of Satisfaction,

Crell. Reſponſ. ad Grot. cap. 2. ſect. 1. &c.

faction, vehemently contends, *That the right of punishment doth result from God's absolute Dominion, and therefore he is to be considered as the offended party, and not as Governour in the right of inflicting punishment*; for which his first Argument is, *That our obedience is due to God's Law, on the account of his Dominion; but when that is not performed, the penalty succeeds in its room, and therefore that doth belong to God on the same account:* His other arguments are, *from the compensation of injuries due to the offended party, and from God's anger against sin, in which he is to be consider'd as the offended party:* These two latter will be answered under the next head; the first I am to examine here. He therefore tells us, that the right of punishment belongs to God's Dominion, because the reason of his Government of mankind is, because he is the Lord of them. But, for our better understanding this, we are to consider, although the original right of Government doth result from God's Dominion; for theefore our obedience is due, because of his Sovereignty over us; yet when God takes upon him the notion of a Governour, he enters into a new relation with his Creatures, distinct from the first as mere Lord. For he is equally Lord of all to whom he gives a being, but he doth not require obedience upon equal terms, nor governs them by the same Laws: Dominion is properly shewed in the exercise of power; but when God gives Laws according to which he will reward and punish, he so far restrains the exercise of his Dominion to a subserviency to the ends of Government. If we should suppose, that God governs the world merely by his Dominion, we must take away all rewards and punishments; for then the actions of men, would be the mere effects of irresistible power, and so not capable of rewards and punishments; for there could be neither of these, where mens actions are capable of the differences of good and evil, and that they cannot be, if they be the acts of God's Dominion, and not of their own. But if God doth not exercise his full Dominion over rational Creatures, it is apparent that he doth govern them under another notion than as mere Lord, and the reason of punishment is not to be taken from an absolute right which God doth not make use of, but from the ends and designs of Government, which are his own Honour, the Authority of his Laws, and the good of those whom he doth govern. And *Crellius* is greatly mistaken, when he makes *punishment to succeed in the place of the right of obedience*; for it is only the desert of punishment, which follows upon the violation of that right; and as we assert, that the right of obedience is derived from God's Sovereignty, so we deny not, but the desert of punishment is from the violation of it; but withal we say, that the obligation to punishment depends upon the Laws, and God's right to inflict punishment (Laws being supposed) is immediately from that Government which he hath over mankind: For otherwise, if the whole right of punishment did still depend upon God's Dominion, and the first right of Sovereignty, then all sins must have equal punishments, because they are all equal violations of the fundamental right of obedience; then it were at liberty for God to punish a greater Sin, with a less punishment; and a lesser Sin, with a greater: And lastly, this would make the punishment of Sin, a mere Arbitrary thing in God; for there would be no reason of punishment, but what depended upon God's mere will; whereas the reason of punishment in Scripture is drawn from repugnancy of sin to the divine purity and holiness, and not merely from God's power or will to pu-

p. 144.

niſh; but if that were all the reaſon of it, there would be no repugnancy in the nature of the thing for the moſt vitious perſon to be rewarded, and the moſt pious to be made everlaſtingly miſerable. But who ever yet durſt ſay or think ſo? From whence it appears that the relation between ſin and puniſhment is no reſult of God's arbitrary will; but it is founded in the nature of the things; ſo that as it is juſt for God to puniſh offenders, ſo it would be unjuſt to puniſh the moſt innocent perſon without any reſpect to ſin. But if the right of puniſhment depends merely on God's Dominion, I cannot underſtand why God may not puniſh when and whom, and in what manner he pleaſeth; without any impeachment of his Juſtice, and therefore it is to be wonder'd at, that the ſame perſons who aſſert the right of puniſhment to be merely in God's Dominion, ſhould yet cry out of the injuſtice of one perſon being puniſhed for anothers faults; for why may not God exerciſe his Dominion in this caſe? yes, ſay they, *he may his dominion, but he cannot puniſh, becauſe puniſhment ſuppoſes guilt, and cannot be juſt without it*; how far that reaches, will be examined afterwards; at preſent, we take notice of the contradiction to themſelves which our Adverſaries are guilty of, that they may ſerve their own *Hypotheſis*, for when we diſpute with them, againſt abſolute remiſſion without ſatisfaction, then they contend that the right of puniſhment is a mere act of Dominion, and God may part with his right, if he pleaſe; but when they diſpute with us againſt the tranſlation of puniſhment from one to another, then they no longer ſay that the right of puniſhment is an act of Dominion, but that it is a neceſſary conſequent of inherent guilt, and cannot be removed from one to another. And then they utterly deny that puniſhment is of the nature of debts, for *one man's money*, they ſay, *may become anothers, but one man's puniſhment cannot become anothers*: Thus they give and take, deny and grant, as it ſerves for their preſent purpoſes.

Soc. de Servat. l. 3. c. 3. Prælect. c. 18.

2. *The end of puniſhments not bare compenſation as it is in debts.*

VI. (2.) The *different ends of debts and puniſhments*, make it appear that there is a difference in the nature of them; for the intention of the obligation to payment in caſe of debt, is the compenſation of the damage which the Creditor ſuſtains; but the intention of puniſhment, is not bare compenſation, but it is deſigned for greater and further ends. For which we are to conſider the different nature of puniſhments, as they are inflicted by way of reparation of ſome injury done to private perſons, and as they do reſpect the publick good. I grant, that private perſons in caſe of injuries, ſeek for compenſation of the damage they ſuſtain, and ſo far they bear the nature of debts; but if we conſider them as inflicted by thoſe who have a care of the publick, though they are to ſee that no private perſon ſuffers injury by another; yet the reaſon of that is not merely that he might enjoy his own, but becauſe the doing injuries to others tends to the ſubverſion of the ends of Government. Therefore, I can by no means admit that Poſition of *Crellius*, *that a Magiſtrate only puniſhes as he aſſumes the perſon of the particular men who have received injuries from others*; for he aims at other ends than merely the compenſation of thoſe injured perſons. Their great end is according to the old Roman *Formula*, *nè quid Reſp. detrimenti capiat*: the reaſon of exacting penalties upon private men is ſtill with a regard to the publick ſafety. Suppoſing men in a ſtate of nature no puniſhment is due to the injured perſon, but reſtitution of damage, and compenſation of the loſs that accrues to him by the injury

Crell. c. Grot. cap. 2. Sect. 2. p. 147. Sect. 17. p. 162.

ry ſuſtained; and whatever goes beyond this, is the effect of Government, which conſtitutes penalties for preſervation of the Society which is under Laws. But herein *Crellius* is our adverſary, but with no advantage at all to his Cauſe; for he offers to prove againſt *Grotius*, *That ſomething more is due by an injury beyond bare compenſation for what the other is ſuppoſed to loſe by the right of nature*; for ſaith he, *in every injury there is not only the real damage which the perſon ſuſtains, but there is a contempt of the perſon implyed in it for which as well as the former, he ought to have compenſation.* To which I anſwer, 1. That this doth not prove what he deſigns, *viz.* that puniſhment doth belong to the injured perſon in a ſtate of Nature beyond bare reſtitution, but that it is neceſſary, that men ſhould not continue in ſuch a ſtate, that ſo they may be vindicated from that contempt, and others compelled to reſtitution. Both which, as they are puniſhments, are not in the power of the offended party as ſuch, but ſhew that it is very reaſonable there ſhould be Laws and Governours, that private perſons may be preſerved in their juſt rights, and offenders puniſhed for the vindication not only of their honour, but of the Laws too. And Laws being eſtabliſhed, the injured perſon hath right to no more, than the compenſation of his loſs; for that being forced upon the offending party, is a ſufficient vindication of his honour. 2. If the contempt of a private perſon makes a compenſation neceſſary, how much more will this hold in a publick Magiſtrate; whoſe contempt by diſobedience is of far worſe conſequence than that of a private perſon. And by this argument *Crellius* overthrows his main *Hypotheſis*, viz. that God may pardon ſin without ſatisfaction; for if it be not only neceſſary, that the loſs be compenſated but the diſhonour too; then ſo much greater as the diſhonour is, ſo much higher as the perſon is, ſo much more beneficial to the world as his Laws are, ſo much more neceſſary is it that in order to pardon there muſt be a ſatisfaction made to him, for the affronts he hath received from men. And if the greatneſs of the injury be to be meaſured as *Crellius* aſſerts, *from the worth and value of the thing, from the dignity and honour of the perſon, from the diſplicency of the fact to him*, which he makes the meaſure of puniſhment; this makes it ſtill far more reaſonable, that God ſhould have ſatisfaction for the ſins of men, than that men ſhould have for the injuries done them by one another; eſpecially conſidering what the ſame Author doth aſſert afterwards, *that it is ſometime repugnant to juſtice, for one to part with his own right in caſe of injuries, and that either from the nature and circumſtances of the things themſelves or a decree or determination to the contrary:* for the firſt he inſtanceth in caſe of *notorious defamation*; in which he ſaith, *it is a diſhoneſt and unlawful thing for a man, not to make uſe of his own right for his vindication:* and for the other, *in caſe of great obſtinacy and malice.* By both which, it is moſt apparent, that *Crellius* puts a mighty difference between the nature of debts, and puniſhments, ſince in all caſes he allows it lawful for a perſon free, to remit his debts; but in ſome caſes he makes it utterly unlawful for a perſon not to make uſe of his right for puniſhment. And withal if a private perſon may not part with his own right in ſuch caſes, how unreaſonable is it not to aſſert the ſame of the great Governour of the World? and that there may be a neceſſity for him upon ſuppoſition of the contempt of himſelf and his Laws, to vindicate himſelf and his honour to the world, by ſome remarkable teſtimony of his ſeverity againſt ſin.

Crell. c. Grot. cap. 2. p. 174.

Sect. 29. p. 198.

Of *Crellius* his great mistake about the end of punishments *Crell. cap. 2. sect. 2. sect. 28.*

VII. But *Crellius* yet urgeth another end of punishment, which though the most unreasonable of all others, yet sufficiently proves from himself the difference of debts and punishments, which is, *the delight which the injured person takes in seeing the offender punished:* This he so much insists upon, as though he made it the most natural end of punishment; for saith he, *among the Punishments which a Prince or any other free Person can inflict, revenge is in the first place, and the more there is of that in any thing, the more properly it is called a punishment*; and he tells us what he means by this *ultio*; viz. *solatium ex alieno dolore, the contentment taken in anothers pain.* But saith he, *no man must object, that this is a thing evil in it self; for although it be forbidden us under the New Testament, yet in it self it is not unlawful for one that hath suffered pain from another to seek for the ease of his own pain, by the miseries of him that injured him: and for this purpose,* saith he, *we have the Passion of Anger in us, which being a desire of returning injuries, is then satisfied when it apprehends it done.* But how absurd and unreasonable this Doctrine is, will be easily discovered, for this would make the primary intendment of punishment to be the evil of him that suffers it. Where the right of punishment is derived from an injury received, and therefore that which gives that right, is some damage sustained, the reparation of which is the first thing designed by the offended party: Though it take not up the whole nature of punishment. And on this account no man can justly propose any end to himself in anothers evil, but what comes under the notion of restitution. For the evil of another is only intended in punishment as it respects the good of him for whose sake that evil is undergone. When that good may be obtained without anothers evil, the desire of it is unjust and unreasonable: and therefore all that contentment that any one takes in the evil another undergoes, as it is evil to him, is a thing repugnant to humane nature, and which all persons condemn in others when they allow themselves in it. It will be hard for *Crellius* to make any difference between this end of punishment which he assigns, and the greatest cruelty; for what can that be worse than taking delight in making others miserable, and seeing them so when he hath made them. If it be replyed, *that cruelty is without any cause; but here a just cause is supposed:* I answer, a just cause is only supposed for the punishment, but there can be no just cause for any to delight in the miseries of others, and to comfort themselves by inflicting or beholding them. For the evil of another is never intended, but when it is the only means left for compensation; and he must be guilty of great inhumanity, who desires anothers evil any further than that tends to his own good, *i. e.* the reparation of the damage sustained; which if it may be had without anothers evil, then that comes not by the right of nature within the reason of punishment; and consequently where it doth not serve for that end, the comfort that men take in it is no part of justice, but cruelty. For there can be no reason at all assigned for it; for that *lenimentum doloris* which *Crellius* insists on is merely imaginary, and no other than the Dog hath in gnawing the stone that is thrown at him; and for all that I know, that propension in nature to the retribution of evil for evil any further than it tends to our security, and the preservation for the future, is one of the most unreasonable Passions in humane Nature.

p. 191.

VIII. And

VIII. And if we examine the nature of *Anger*, either considered Naturally or Morally, the intention of it is, not the returning evil to another, for the evil received, but the security and preservation of ourselves; which we should not have so great a care of, unless we had a quick sense of injuries, and our blood were apt to be heated at the apprehension of them. But when this passion vents it self, in doing others injury to alleviate its own grief, it is a violent and unreasonable perturbation; but being governed by reason, it aims at no more, than the great end of our beings; *viz.* Self-Preservation. But when that cannot be obtained without anothers evil, so far the intendment of it is lawful, but no further. And I cannot therefore think those Philosophers, who have defined Anger to be ὄρεξις ἀνταλγήσεως, by whose Authority *Crellius* defends himself, when he makes anger to be *a desire of revenge*, did throughly consider what was just and reasonable in it, but barely what was natural, and would be the effect of that passion, if not governed by reason. For otherwise *Jul. Scaliger*'s definition is much more true and justifiable, that it is *appetitus depulsionis*; *viz.* that whereby we are stirred up to drive away from us, any thing that is injurious to us. But because *Crellius* alledgeth a saying of *Seneca*, that would make *vindicta* of the nature of punishment, *duabus de causis punire princeps solet, si aut se vindicet aut alium:* We shall oppose to this the sense of the same Author in this matter, which may sufficiently clear the other passage: For, saith he, *Inhumanum verbum est, & quidem pro justo receptum, ultio, & à contumelia non differt nisi ordine: qui dolorem regerit, tantum excusatius peccat.* And no man speaks with greater vehemency against the delight in others punishments than he doth; for he always asserts, the only reason of punishment, to be some advantage which is to come by it, and not meerly to satisfie anger, or to allay their own griefs, by seeing anothers: For, saith he, the punishment is inflicted, *Non quia delectetur ullius pœna (procul est enim à sapiente tam inhumana feritas) sed ut documentum omnium sint:* So that it is only the usefulness of punishment according to him, which makes it become any wise man; and so far from a satisfaction of his grief by anothers punishment, that he makes that a piece of inhumanity, not incident to any who pretend to wisdom. Nay, he denies, that a just punishment doth flow from *Anger*; for he that inflicts that, doth it *non ipsius pœnæ avidus, sed quia oportet*, not as desiring the punishment, but because there are great reasons for it: And elsewhere, *Exsequar quia oportet, non quia dolet:* he is far enough then from approving, that imaginary compensation of one mans grief by anothers. And he shews at large that the weakest natures, and the least guided by reason, are the most subject to this anger and revenge. And although other things be pretended, the general cause of it is, a great infirmity of humane nature; and thence it is, that children and old men, and sick persons, are the most subject to it; and the better any are, the more they are freed from it:

Of the nature of anger and revenge in men, and whether punishments are designed to satisfie them.

Crell. c. 2. sect. 22. p. 177.

Exerc. 313.

Seneca de Clem. l. 1. c. 20.

De Irâ, l. 2. c. 32.

De Irâ, l. 1. c. 6.

De Irâ, l. 1. c. 9. Cap. 12. Cap. 13.

——*quippe minuti*
Semper & infirmi est animi, exiguique voluptas
Ultio——

He makes *Cruelty* to be nothing else, *but the intemperance of the mind in exacting punishment*; and the difference between a Prince and a Tyrant

De Clem. l. 2, c. 4.

De Clem. l. 1. c. 11, 12. rant to lie in this, *The one delights in punishing, the other never does it but in case of necessity*, when the publick good requires it. And this throughout his discourse, he makes the measure of punishment. Who then could imagine, that he should speak so contradictory to himself, as to allow punishment for meer revenge, or the easing ones own griefs, by the pains of another? In the places cited by *Crellius* (if taken in his sense) he speaks what commonly is, not what ought to be in the world; for he disputes against it in that very place, therefore that cannot be the meaning which he contends for. *The common design of punishments by a Prince*, saith he, *is either to vindicate himself or others.* I so render his words, because *vindicare*, when it is joyned with the person injured, as here, *vindicare se aut alium*, doth properly relate to the end of punishment, which is asserting the right of the injured person; but when it is joyned with the persons who have done the injury, or the crimes whereby they did it, then it properly signifies to punish. Thus *Sallust* useth, *Vindicatum in eos*; and *Cicero*, *In milites nostros vehementer vindicatum*, and for the fact very frequently in him, *maleficia vindicare:* But when it relates to the injured person, as here it doth, it cannot signifie meerly to punish; for then *se vindicare* would be to punish ones self, but to assert his own right in case of injury, though it be with the punishment of another: For *Vindicatio*, as *Cicero* defines it, *est per quam vis & injuria & omnino quod obfuturum est defendendo aut ulciscendo propulsatur.* So that the security of our selves in case of force or injury, is that which is called *Vindication*; which sometimes may be done by defence, and other times by punishment. And that *Seneca* doth mean no more here, is apparent by what follows; for in case of private injuries, he saith, *pœnam si tutò poterit donet*, he would have the Prince forgive the punishment, if it may be done with safety; so that he would not have any one punished, to satisfie anothers desire of revenge, but to preserve his own safety: And afterwards he saith, *It is much beneath a Princes condition, to need that satisfaction which arises from anothers sufferings:* But for the punishments of others, he saith, *The Law hath established three ends, the amendment of the persons, or making others better by their punishments, or the publick security, by taking away such evil members out of the body:* So that in publick punishments, he never so much as supposes, that contentment which revenge fansies in others punishments, but makes them wholly designed for the publick advantage. For *the Laws in punishment do not look backward but forward*; for as * *Plato* saith, *No wise man ever punished, meerly because men had offended, but lest they should: For past things cannot be recalled, but future are therefore forbidden, that they may be prevented.* So to the same purpose is the saying of *Lactantius*, produced by *Grotius*, *Surgimus ad vindictam, non quia læsi sumus, sed ut disciplina servetur, mores corrigantur, licentia comprimatur: hæc est Ira justa.* To which *Crellius* answers, *That this signifies nothing, unless it can be proved, that no man may justly punish another, meerly because he is wronged.* If he means of the right to punish, we deny not that to be, because the person is wronged; but if he understands it of the design and end of punishment, then we deny, that it is an allowable end of punishments, any further than it can come under the notion of restitution, of which we have spoken already. *When a Master* (which is the instance he produceth) *punisheth his servants because they have disobeyed him:* The reason of that punishment, is not the bare disobedience, but the injury

Sallust. in Catalin. Cicero 7. v.

Cicero de Invent. 2.

De Irâ, l. 1. c. 21.

* *Non præterita sed futura inuebitur; nam ut Plato ait, nemo prudens punit quia peccatum est, sed ne peccetur* Sen. de Ira. l. 1. c. 16. *Lact. de ira Dei. c. 17. Cap. 2. sect. 13.*

jury which comes to him by it; the reparation of which he ſeeks by puniſhment, either as to his authority, ſecurity or profit. But he adds, That *where puniſhment is deſigned, for preſervation of diſcipline, and amendment of manners, and keeping perſons in order*, (which are the ends mentioned by *Lactantius*) *it is where the intereſt of the perſons lies, in the preſervation of theſe, and is therefore offended at the neglect of them.* To which I anſwer, That the intereſt of ſuch a one, is not barely the intereſt of an offended party, as ſuch, but the intereſt of a Governour; and no body denies, but ſuch a one may be an offended party: but the queſtion is, Whether the deſign of puniſhment be meerly to ſatisfie him as the offended party, or to anſwer the ends of Government? For *Crellius* hath already told us, what it is to ſatisfie one as an offended party, that is, to eaſe himſelf by the puniſhment of others; but what ever is deſigned for the great ends of Government, is not to be conſidered under that notion, although the Governour may be juſtly offended at the neglect of them. And there is this conſiderable difference between the puniſhment made to an offended party, as ſuch, and that which is for the ends of Government; that the former is a ſatisfaction to *Anger*, and the latter to Laws and the publick intereſt. For *Crellius* diſputes much for the right of Anger in exacting puniſhments; *the ſatisfaction of which, in caſe of real injury, he never makes unlawful, but in caſe that it be prohibited us by one, whoſe power is above our own: Nay he makes it otherwiſe the primary end of puniſhment.* So that *anger* is the main thing upon theſe terms to be reſpected in puniſhment: But where it is deſigned for the ends before-mentioned, there is no neceſſity of any ſuch paſſion as anger to be ſatisfied, the ends of puniſhment may be attained wholly without it: And publick puniſhment, according to *Seneca non ira ſed ratio eſt*, is no effect of anger, but reaſon; for, ſaith he, *nihil minus quam iraſci punientem decet:* nothing leſs becomes one that puniſheth, than *anger* doth; for all puniſhments being conſidered as Medicines, no man ought to give Phyſick in anger, or to let himſelf blood in a fury: *A Magiſtrate*, ſaith he, *when he goes to puniſh, ought to appear only vultu legis quæ non iraſcitur, ſed conſtituit*, with the countenance of the Law, which appoints puniſhments without paſſion: The reaſon of which is, becauſe the Law aims not primarily at the evil of the man that ſuffers puniſhment, but at the good which comes to the publick by ſuch ſufferings. For the firſt deſign of the Law was to prevent any evil being done, and puniſhment coming in by way of Sanction to the force of the Law, muſt have the ſame primary end which the Law it ſelf had; which is not to ſatisfie barely the offended party for the breach, any further than that ſatisfaction tends to the ſecurity of the Law, and preventing the violation of it for the future. The ſubſtance of what I have ſaid upon this ſubject, may be thus briefly comprized, That antecedently to Laws, the offended party hath right to no more than bare reparation of the damage ſuſtained by the injury; that the proper notion of puniſhment is conſequent to Laws, and the inflicting of it is an act of Government, which is not deſigned for meer ſatisfaction of the anger of injured perſon, but for the publick good, which lies in preſerving the authority of the Laws, the preventing all injuries by the ſecurity of mens juſt rights, and the vindication of the dignity and honour of him, who is to take care of the publick good. For theſe *Crellius* himſelf acknowledgeth, to be *the juſt ends of puniſhments*, only he would have the ſatisfaction a man takes in

Cap. 2. ſect. 1. p. 143. Sect. 13. p. 161.

Sen. de ira, l. 1. c. 14, & 15.

Chap. 16.

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anothers evil, to come in the first place; wherein how much he is mistaken, I hope we have already manifested. Because the proper nature of punishment depending upon Laws, the Laws do not primarily design the benefit of private persons (supposing that were so) but the advantage of that community which they are made for.

Quibus (sc. solatio & securitati) addi possint honoris ac dignitatis, per injuriam violatæ, & aliqua ratione imminutæ vindiciæ, assertioque juris nostri. Crel. cap. 2. sect. 28. p. 191.

The Interest of the Magistrate in punishment distinct from that of private persons.

IX. And in those cases wherein the Magistrate doth right to particular persons in the punishment of those who have injured them, he doth it not as taking their person upon him, for he aims at other things than they do; they look at a bare compensation for the injury received; but the Magistrate at the ill consequence the impunity of injuries may be of to the publick: they, it may be at the satisfaction of their displeasure; but he at the satisfaction of their Laws; they at their own private damage; he at the violation of the publick peace. And from hence among those Nations who valued all crimes at a certain rate, in matters of injury between man and man, the injured person was not only to receive compensation for his wrong; but a considerable fine was to be paid to the Exchequer for the violation of the publick peace. Thus *Tacitus* observes among the old *Germans*, *Grotius* of the old *Gothick Laws*, and from them (as most of our modern Laws and Customs are derived) *Lindenbrogius* of the *Salick*, *Alemannick*, *Lombardick*, *Spelman* of the *Saxon*, who tells us in case of murder there are three payments, one to the Kindred, which was called *Megbote*; the second to the Lord, called *Manbote*, the third to the *King*, called *Freda*, from the *German Frid*, which signifies *Peace*, it being the consideration paid to the King for the breach of the publick Peace. *And this*, saith he, *in all actions, was anciently paid to the King, because the peace was supposed to be broken, not by meer force, but by any injuries; and if the action was unjust, the Plaintiff paid it; if just, the defendant.* And the measure of it, saith *Bignonius*, was the tenth part of the value of the thing as estimated by Law which by the Customs of the ancient *Romans* was deposited at the commencing of a suit by both, and only taken up again by him who overcame; and was by them called *Sacramentum*, as *Varro* tells us. And the same custom was observed among the Greeks too, as appears by *Julius Pollux*, who tells us it was called περικαταβολὴ among them, and in publick actions was the fifth part, in private the tenth. But that which was paid to the publick in case of murder, was among the Greeks called ποινὴ, the same with *pœna*, for *Hesychius* tells us that is ἀντέκλησις ἢ ὑπὲρ φόνου δεδομένη, and to the same purpose the Scholiast on *Homer* on those words, *Iliad.* 1. ἕνεκα ποινῆς Ανδρὸς ἀποφθιμένου, by which the Original of the name *pœna*, comes from a payment made to the publick, according to that known rule, *interest reip. delicta puniri*, that persons may see how much the publick safety is concerned, that crimes be punished. From which and many other things which might be insisted on, *Crellius* his Hypothesis will be made appear to be false, *viz. that when the Magistrate doth judge in the affairs of particular men, he doth it only as assuming the person of those men*; whereas it appears from the reason of the thing, and the Custom of Nations, that the interest of the Magistrate is considered as distinct from that of private persons, when he doth most appear in vindication of injuries. But all this is managed with a respect to the grand Hypothesis, *viz.* that the right of punishing doth belong only to the offended party as such, that the punishment is of the nature of debts, and the satisfaction by compen-

De morib. German. c 12. *Grot. de leg. Goth. in Proleg. ad hist. Goth. p. 67.* *Lindenbrog. Gloss. ad Cod. Leg. Antiq. v. Freda.* *Spelman. Gloss. v. Freda.*

Bignon. not. in Marculphi form. cap. 20. *Varro de L. L. lib. 4.* *Jul. Pollux. l. 8.*

penſation to the anger of him who is offended. The falſity of which this diſcourſe was deſigned to diſcover.

Having thus conſidered the nature of puniſhments among men, we come more cloſely to our matter, by examining how far this will hold in the puniſhments which God inflicts on the account of ſin. For which two things muſt be enquired into, 1. In what ſenſe we attribute anger to God. 2. What are the great ends of thoſe puniſhments God inflicts on men on the account of ſin.

Of the nature of Anger in God; the ſatisfaction to be made to it.

X. For the firſt, though our Adverſaries are very unwilling to allow the term of *punitive juſtice*, yet they contend for a *punitive anger* in God, and that in the worſt ſenſe as it is *appetitus vindictæ:* For after *Crellius* hath contended that this is the proper notion of anger in general; *neither ought any one to ſay*, he adds, *that anger as other paſſions is attributed improperly to God; for ſetting aſide the imperfections, which thoſe paſſions are ſubject to in us, all the reſt is to be attributed to him, taking away then that perturbation, and pain, and grief we find in our ſelves in anger, to which the abhorrency of ſin anſwers in God, all the reſt doth agree to him.* I would he had a little more plainly told us what he means by *all the reſt*, but we are to gueſs at his meaning by what went before, where he allows of *Cicero*, and *Ariſtotle*'s definition of *Anger*, whereof the one is, that it is *libido*, or (as *Crellius* would rather have it,) *cupiditas puniendi*, the other ὄρεξις μετὰ λύπης τιμωρίας, &c. and himſelf calls it *pœnæ appetitio*, and in another place, that it may be as properly defined *cupiditas vindictæ*, as *cupiditas pœnæ* or *affectus vindicandi*, as well as *puniendi:* In all which places, he doth aſſert ſuch an anger in God as ſuppoſes ſuch a motion, or deſire, or inclination to puniſh ſin when it is committed, as there is in us when an injury is done us, only the perturbation and pain excluded. But he hath not thought fit to explain how ſuch new motions or inclinations in the divine nature every time ſin is committed, are conſiſtent with the immutability and perfection of it; nor what ſuch a kind of deſire to puniſh in God imports, whether a meer inclination without the effect, or an inclination with the effect following: If *without the effect*, then either becauſe the ſin was not great enough, or God's honour was not concerned to do it, and in this caſe the ſame reaſons which make the effect not to follow, make the deſire of it inconſiſtent with the divine wiſdom and perfection: Or elſe becauſe the effect is hindred by the repentance of the perſon, or ſome other way which may make it not neceſſary to do it; then upon the ſame reaſon the effect is ſuſpended, the inclination to do it ſhould be ſo too; for that muſt be ſuppoſed to be governed by an eternal reaſon and counſel as well as his actions; unleſs ſome natural paſſions in *God* be ſuppoſed antecedent to his own wiſdom and counſel, which is derogatory to the infinite perfection of God, ſince thoſe are judged imperfections in our ſelves: If it be taken only *with the effect* following it, then God can never be ſaid to be angry but when he doth puniſh, whereas his *wrath is ſaid to be kindled* in Scripture, where the effect hath not followed; which if it implies any more than the high provocation of God to puniſh (as I ſuppoſe it doth not) then this inclination to puniſh is to be conceived diſtinct from the effect following it. But that conception of *anger in God* ſeems moſt agreeable to the divine nature, as well as to the *Scriptures*, which makes it either *the puniſhment it ſelf*, as *Crellius* elſewhere acknowledges it is often taken ſo; or *God's declaration of his will to puniſh*, which is called

Crell. cap. ſect. 1. p. 145. p. 177.

Cicer. Tuſcul. 4. Ariſt. Rhet. l. 2. c. 2.

Crell. c. 2. ſect. 22. p. 177.

Crell. de verâ Relig. l. 1. c. 30.

called *the revelation of the wrath of God againſt all unrighteouſneſs of men*, God thereby diſcovering the juſt diſpleaſure he hath againſt ſin; or *the great provocation of God to puniſh*, by the ſins of men; as when *his wrath* is ſaid, *to be kindled*, &c. By this ſenſe we may eaſily reconcile all that the Scripture ſaith concerning the *wrath of God*; we make it agreeable to infinite perfection, we make no ſuch alterations in God, as the appeaſing of his anger muſt imply, if that imply any kind of commotion in him. And thus the grand difficulty of *Crellius* appears to be none at all, againſt all thoſe paſſages of Scripture which ſpeak of *appeaſing God*, of *atonement*, and *reconciliation*, viz. *that if they prove ſatisfaction, they muſt prove that God be actually angry with mankind before the ſufferings of his Son, he muſt be preſently appeaſed upon his undergoing them.* For no more need to be ſaid, than that God being juſtly provoked to puniſh the ſins of mankind, was pleaſed to accept of the ſufferings of his Son, as a ſufficient ſacrifice of Atonement for the ſins of the world, on conſiderationof which he was pleaſed to offer thoſe terms of pardon, which upon mens performance of the conditions required on their part, ſhall be ſufficient to diſcharge them from that obligation to puniſhment which they were under by their ſins. And what abſurdity, or incongruity there is in this to any principle of reaſon I cannot imagine. But our Adverſaries firſt make opinions for us, and then ſhew they are unreaſonable. They firſt ſuppoſe that anger in God is to be conſidered as a paſſion, and that paſſion a deſire of revenge for ſatisfaction of it; and then tell us, that if we do not prove, that this deſire of revenge can be ſatisfied by the ſufferings of Chriſt, then we can never prove the doctrine of ſatisfaction to be true; whereas we do not mean by God's anger any ſuch paſſion, but the juſt declaration of God's will to puniſh upon our provocation of him by our ſins; we do not make the deſign of ſatisfaction to be, that God may pleaſe himſelf in the revenging the ſins of the guilty upon the moſt innocent perſon; becauſe we make the deſign of puniſhment, not to be the ſatisfaction of anger as a deſire of revenge, but to be the vindication of the honour and rights of the injured perſon, by ſuch a way as himſelf ſhall judge moſt ſatisfactory to the ends of his Government.

Crell. cap. 7. ſect. 3. p. 350.

Of the ends of divine puniſhments. *Crell. c. 2. ſect. 29. p. 129. p. 195.*

XI. (2.) Which is the next thing we are to clear: For which end we ſhall make uſe of the Conceſſion of *Crellius*, *That God hath prefixed ſome ends to himſelf in the Government of mankind; which being ſuppoſed, it is neceſſary, that impenitent ſinners ſhould be puniſhed.* What theſe ends of God are, he before tells us, when he enquires into the ends of divine puniſhments, which he makes to be, *ſecurity for the future, by mens avoiding ſins, and a kind* εὐδοκία, *or pleaſure which God takes in the deſtruction of his implacable enemies, and the aſſerting and vindicating his own right by puniſhing, and ſhewing men thereby, with what care and fear they ought to ſerve him; and ſo attains the ends of puniſhment propoſed by* Lactantius, *and manifeſtation of the Divine Honour and Majeſty, which hath been violated by the ſins of men.* All theſe we accept of, with this caution, That the delight which God takes in the puniſhing his implacable enemies, be not underſtood of any pleaſure in their miſery, as ſuch, by way of meer revenge; but as it tends to the vindication of his Right, and Honour, and Majeſty; which is an end ſuitable to the Divine Nature: but the other cannot in it ſelf have the notion of an end doth ſuppoſe ſomething deſirable for it ſelf, which ſurely the miſeries of others cannot have to us, much leſs to the

the Divine Nature. And that place which *Crellius* insists on to prove the contrary, *Deut.* 28. 63. *The Lord will rejoyce over you, to destroy you*; imports no more, than the satisfaction God takes in the execution of his Justice, when it makes most for his honour, as certainly it doth in the punishment of his greatest enemies. And this is to be understood in a sense agreeable to those other places, where God is said *not to delight in the death of sinners*; which doth not (as *Crellius* would have it meerly express *God's benignity and mercy*, but such an agreeableness of the exercise of those attributes to God's nature, that he neither doth nor can delight in the miseries of his creatures in themselves, but as they are subservient to the ends of his Government, and yet such is his kindness in that respect too, that he useth all means agreeable thereto, to make them avoid being miserable, to advance his own glory. And I cannot but wonder that *Grotius*, who had asserted the contrary in his Book of *Satisfaction*, should in his Books *De Jure belli ac pacis*, assert, *That when God punisheth wicked men, he doth it for no other end but that he might punish them:* For which he makes use of no other arguments, than those which *Crellius* had objected against him; *viz.* *The delight God takes in punishing, and the judgments of the life to come, when no amendment can be expected*; the former hath been already answered, the latter is objected by *Crellius* against him, when he makes the ends of punishment, merely to respect the community, *which cannot be asserted of the punishments of another life*, which must chiefly respect the vindication of God's Glory, in the punishment of unreclaimable sinners. And this we do not deny to be a just punishment, since our Adversaries themselves, as well as we, make it necessary. But we are not to understand, that the end of Divine punishments doth so respect the community, as though God himself were to be excluded out of it; for we are so to understand it, as made up of God as the Governour, and mankind as the persons governed, whatever then tends to the vindication of the rights of God's Honour and Sovereignty, tends to the good of the whole, because the manifestation of that end is so great an end of the whole.

Ezek. 18. v. 23, 32. c. 33. 11.

Grot de satisfact. c. 2. p. 43. Ed. 1617.

Grot. de jure belli, &c. l. 2. c. 20. sect. 4.

XII. But withal, though we assert in the life to come, the ends of punishment not to be the reclaiming of sinners, who had never undergone them, unless they had been unreclaimable; yet a vast difference must be made between the ends of punishments in that, and in this present state. For the other is the *Reserve*, when nothing else will do, and therefore was not primarily intended; but the proper ends of punishment, as a part of Government, are to be taken from the design of them in this life. And here we assert, that God's end in punishing, is the advancing his Honour, not by the meer miseries of his creatures, but that men by beholding his severity against sin, should break off the practice of it, that they may escape the punishments of the future state. So that the ends of punishment here, are quite of another kind, from those of another life; for those are inflicted, because persons have been unreclaimable by either the mercies or punishments of this life; but these are intended, that men should so far take notice of this severity of God, as to avoid the sins which will expose them to the wrath to come. And from hence it follows, That whatsoever sufferings do answer all these ends of Divine Punishments, and are inflicted on the account of sin, have the proper notion of punishments in them, and God may accept of the undergoing them as a full *satisfaction*

The ends of Divine punishments different in this and the future state.

faction to his Law, if they be such as tend to break men off from sin, and assert God's right, and vindicate his Honour to the world; which are the ends assigned by *Crellius*, and will be of great consequence to us in the following Discourse.

CHAP. II.

I. *The particular state of the Controversie, concerning the Sufferings of Christ. The Concession of our Adversaries.* II. *The debate reduced to two heads: The first concerning Christ's Sufferings, being a punishment for sin, entred upon. In what sense* Crellius *acknowledgeth the sins of men, to have been the impulsive cause of the death of Christ.* III. *The sufferings of Christ proved to be a punishment, from Scripture. The importance of the phrase of bearing sins.* IV. *Of the Scape-Goats bearing the sins of the people into the Wilderness.* V. Grotius *his sense of* 1 Pet. 2. 24. *vindicated against* Crellius *and himself.* Ἀναφέρειν *never used for the taking away a thing by the destruction of it.* VI. Crellius *his sense examined.* VII. Isa. 53. 11. *vindicated. The argument from* Matt. 8. 17. *answered.* Grotius *constant to himself in his notes on that place.* VIII. Isa. 53. 5, 6, 7. *cleared.* IX. *Whether Christ's death be a proper* ὑπόδειγμα, *and whether that doth imply, that it was a punishment of sin? How far the punishments of Children for their Fathers faults, are exemplary among men. The distinction of calamities and punishments, holds not here.* X. *That God's hatred of sin could not be seen in the sufferings of Christ, unless they were a punishment of sin, proved against* Crellius. XI. Grotius *his Arguments from Christ's being made in sin and a curse for us, defended. The liberty our Adversaries take in changing the sense of Words.* XII. *The particles* διὰ, ἕνεκα, ὑπὲρ, *being joyned to sins and relating to sufferings do imply those sufferings to be a punishment for sin. According to their way of interpreting Scripture, it had been impossible for our doctrine to be clearly expressed therein.*

The particular state of the controversie concerning the sufferings of Christ for us.

I. THESE things being thus far cleared concerning the nature and ends of punishments, and how far they are of the nature of debts, and consequently what kind of satisfaction is due for them, the resolution of the grand Question concerning the sufferings of Christ will appear much more easie; but that we may proceed with all possible clearness in a debate of this consequence, we must yet a little more narrowly examine the difference between our Adversaries and us in this matter; for their concessions are in terms sometimes so far, as though the difference were meerly about words without any considerable difference in the thing it self. If we charge them with denying satisfaction, *Crellius* answers in the name of them, *that we do it unjustly; for they do acknowledge a satisfaction worthy of God, and agreeable to the Scriptures.* If we charge them with denying that our salvation is obtained by the death of Christ, they *assert the contrary*, as appears by the same Author. Nay, *Ruarus* attributes *merit to the death of Christ too.* They acknowledge, *that Christ died for us*, nay, *that there was a commutation between Christ and us, both of one person for another, and of a price for a person*; and *that the death*

Crell. præf. p. 7. *Ruarus in Epistol. Crell. cap. 9. sect. 2.* *Cap 10. sect 10.* *Cap. 7, 8, &c.* *Cap. 1. sect. 57.*

of

of Christ may be said to move God to redeem us; they acknowledge *reconciliation, and expiation of sins to be by the death of Christ.* Nay, they assert, *that Christ's death was by reason of our sins, and that God designed by that to shew his severity against sin.* And what could we desire more, if they meant the same thing by these words, which we do? They assert a *satisfaction*, but it is such a one as is *meerly fulfilling the desire of another:* in which sense all that obey God may be said to satisfie him. They attribute our salvation to the death of Christ, but only *as a condition intervening*, upon the performance of which the Covenant was confirmed, and himself into Glory, that he might free men from the punishment of their sins. They attribute *merit* to Christ's death but in the same sense that *we may merit* too, when we do what is pleasing to God. They acknowledge, *that Christ died for us*, but *not in our stead*, but *for our advantage*; that there was a *commutation*; but not such a one, as that the Son of God did lay down his blood as a *proper price* in order to our redemption as the *purchase* of it; when they speak of a *moving cause*, they tell us, they mean no more than *the performance of any condition* may be said *to move*, or as our prayers and repentance do. The *reconciliation* they speak of, doth not all respect *God* but *us*; they assert *an expiation of sins* consequent upon the death of Christ, but not depending upon it any otherwise, than as a *condition* necessary for his admission to the office of a High-Priest in Heaven, there to expiate our sins by his power, and not by his blood; but they utterly deny, that the death of Christ is to be considered as a *proper expiatory sacrifice for sin*; or that it hath any further influence upon it, than as it is considered as a means of the confirmation of the truth of his Doctrine, and particularly the promise of remission of sins, on which, and not on the death of Christ they say our remission depends; but so far as the death of Christ may be an argument to us to believe his Doctrine, and that faith may incline us to obedience, and that obedience being the condition in order to pardon, at so many removes they make the death of Christ to have influence on the remission of our sins. They assert, *that God took occasion by the sins of men to exercise an act of dominion upon Christ in his sufferings, and that the sufferings of Christ were intended for the taking away the sins of men*; but they utterly deny, *that the sufferings of Christ were to be considered as a punishment for sin*; *or that Christ did suffer in our place and stead*; nay, they contend with great vehemency, *that it is wholly consistent with the justice of God to make one mans sins the meritorious cause of anothers punishment*; *especially one wholly innocent, and so that the guilty shall be freed on the account of his sufferings.* Thus I have endeavoured to give the true state of the controversie with all clearness and brevity. And the substance of it will be reduced to these two debates.

1. Whether the sufferings of Christ in general are to be considered *as a punishment of sin*, or as *a meer act of dominion?*

2. Whether the death of Christ in particular were *a proper expiatory sacrifice for sin*, or only *an antecedent condition to his exercise of the Office of Priesthood in Heaven?*

Whether the sufferings of Christ are to be considered a punishment of sin.

II. (1.) Whether the sufferings of Christ in general are to be considered as a punishment of sin, or as a meer act of dominion? for that it must be one or the other of these two, cannot be denied by our Adversaries; for the inflicting those sufferings upon Christ, must either proceed from an antecedent meritorious cause, or not. If they do, they

they are then punishments; if not, they are meer exercises of power and dominion; whatever ends they are intended for, and whatever recompence be made for them. So *Crellius* asserts, *that God as absolute Lord of all, had a right of absolute dominion upon the life and body of Christ, and therefore might justly deliver him up to death, and give his body to the Cross; and although Christ by the ordinary force of the Law of* Moses, *had a right to escape so painful and accursed a death, yet God by the right of dominion had the power of disposal of him, because he intended to compensate his torments with a reward infinitely greater than they were: But because*, he saith, *for great ends the consent of Christ was necessary, therefore God did not use his utmost dominion in delivering him up by force as he might have done, but he dealt with him by way of command, and rewards proposed for obedience, and in this sense he did act as a righteous Governour, and indulgent Father, who encouraged his Son to undergo hard, but great things.* In which we see that he makes the sufferings of Christ an act of *meer dominion* in God without any *antecedent cause* as the *reason* of them; only he qualifies this act of dominion with the proposal of a reward for it. But we must yet further enquire into their meaning, for though here *Crellius* attributes the sufferings of Christ meerly to God's *dominion*, without any respect to sin, yet elsewhere he will allow a respect that was had to sin antecedently to the sufferings of Christ, and that the sins of men were *the impulsive cause* of them. And although *Socinus* in one place utterly denies *any lawful antecedent cause of the death of Christ, besides the will of God and Christ*, yet *Crellius* in his Vindication saith, *by lawful cause* he meant *meritorious*, or such upon supposition of which *he ought to die*; for elsewhere he makes *Christ to die for the cause, or by the occasion of our sins*; which is the same that *Crellius* means by an *impulsive*, or *procatartick cause*. Which he thus explains, *we are now to suppose a decree of God not only to give salvation to Mankind, but to give us a firm hope of it in this present state, now our sins by deserving eternal punishment, do hinder the effect of that decree upon us, and therefore they were an impulsive cause of the death of Christ, by which it was effected, that this decree should obtain notwithstanding our sins. But we are not to understand as though this were done by and expiation of the guilt of sin by the death of Christ; but this effect is hindred by three things, by taking away their sins, by assuring men that their former sins, and present infirmities upon their sincere obedience shall not be imputed to them, and that the effect of that decree shall obtain, all which*, saith he, *is effected* morte Christi interveniente, *the death of Christ intervening, but not as the procuring cause.* So that after all these words he means no more by making our sins *an impulsive cause of the death of Christ*, but that the death of Christ was an argument to confirm to us the truth of his Doctrine, which doctrine of his doth give us assurance of these things: and that our sins when they are said to be *the impulsive cause*, are not to be considered with a respect to *their guilt*, but to that *distrust of God* which our sins do raise in us; which distrust is in truth according to this sense of *Crellius the impulsive cause*, and not the *sins* which were the cause or occasion of it. For that was it which the doctrine was designed to remove, and our sins only as the causes of that. But if it be said, *that he speaks not only of the distrust, but of the punishment of sin as an impediment which must be removed too, and therefore may be called an impulsive cause*, we are to consider that the removal of this is not attributed to the death of Christ,

Crell. cap. 2. sect. 1. p. 142.

Crell. cap. 1. sect. 7. &c. Socin. de Christo servat. l. 3. c. 10.

Crell. cap. 1. sect. 16. Socin. l. 2. c. 7.

Crell. c. 1. sect. 11.

but

but to the leaving of our sins by the belief of his Doctrine; therefore the punishment of our sins cannot, unless in a very remote sense, be said to be an *impulsive cause* of that, which for all that we can observe by *Crellius*, might as well have been done without it; if any other way could be thought sufficient to confirm his Doctrine, and Christ, without dying, might have had power to save all them that obey him. But we understand not an impulsive cause in so remote a sense, as though our sins were a *meer occasion of Christs dying*, because the death of Christ was one argument among many others to believe his Doctrine, the belief of which would make men leave their sins; but we contend for a nearer and most proper sense, *viz.* that the death of Christ was primarily intended for the *expiation of our sins*, with a respect to *God* and not to us, and therefore our sins as an *impulsive cause* are to be considered as they are so displeasing to God, that it was necessary for the Vindication of God's Honour, and the deterring the world from sin, that no less a Sacrifice of Atonement should be offered, than the blood of the Son of God. So that we understand an *impulsive cause* here in the sense, that the sins of the people were, under the Law, the cause of the offering up those Sacrifices, which were appointed for the expiation of them. And as in those Sacrifices there were two things to be considered, *viz.* the mactation, and the oblation of them, the former as a *punishment* by a substitution of them in place of the persons who had offended; the latter as the proper Sacrifice of Atonement, although the mactation it self, considered with the design of it, was a Sacrificial act too: So we consider the sufferings of Christ with a two-fold respect, either as *to our sins*, as the impulsive cause of them, so they are to be considered as a *punishment*, or as *to God*, with a design to expiate the guilt of them, so they are a *Sacrifice of Atonement*. The first consideration is that we are now upon, and upon which the present debate depends, for if the sufferings of Christ be to be taken under the notion of *punishment*, then our Adversaries grant, that our sins must be an impulsive cause of them in another sense than they understand it. For the clearing of this, I shall prove these two things.

1. That no other sense ought to be admitted of the places of *Scripture* which speak of the sufferings of Christ with a respect to sin, but this.

2. That this *Account* of the sufferings of Christ, is is no ways repugnant to the *Justice* of God.

The sufferings of Christ proved to be a punishment from Scripture.

III. That no other sense ought to be admitted of the places of Scripture, which speak of the sufferings of Christ with a respect to our sins, but that they are to be considered as a punishment for them. Such are those which speak of *Christ bearing our sins, of our iniquities being laid upon him, of his making himself an offering for sin, and being made sin and a curse for us, and of his dying for our sins.* All which I shall so far consider, as to vindicate them from all the exceptions which *Socinus* and *Crellius* have offered against them.

1 Pet. 2. 24. Isa. 53. 4, 5, 6, 7, 10. 11. 2 Cor. 5. 21. Gal. 3. 13. Rom. 4. 25.

1. Those which speak of *Christ's bearing our sins.* As to which we shall consider, First, The importance of the phrase in general of bearing sin, and then the circumstances of the particular places in dispute. For the importance of the phrase, *Socinus* acknowledges, *that it generally signifies bearing the punishment of sin in Scripture: but that sometimes it signifies taking away.* The same is confessed by *Crellius*, but he saith,

Soc. de serv. l. 2. cap. 4. Crell. cap. 1. sect. 22.

saith, *it doth not always signifie bearing proper punishment, but it is enough* (says he) *that one bears something burdensome on the occasion of others sins: and so Christ by undergoing his sufferings by occasion of sins, may be said to bear our sins.* And for this sense he quotes *Numb.* 14. 33. *And your Children shall wander in the Wilderness forty years, and bear your whoredoms, until your carcasses be wasted in the Wilderness. Whereby,* saith he, *it is not meant that God would punish the Children of the* Israelites *but that by the occasion of their parents sins, they should undergo that trouble, in wandring in the Wilderness, and being deprived of the possession of the promised Land.* But could *Crellius* think that any thing else could have been imagined, (setting aside a total destruction) a greater instance of God's severity, than that was to the Children of *Israel* all their circumstances being considered? Is it not said, that *God did swear in his wrath they should not enter into his rest?* Surely then the debarring them so long of that rest, was an instance of God's wrath, and so according to his own principles must have something of *Vindicta* in it, and therefore be a proper punishment. The truth is, our Adversaries allow themselves in speaking things most repugnant to Humane Nature in this matter of punishments, that they may justifie their own *Hypothesis.* For a whole Nation to be for forty years debarred from the greatest blessings were ever promised them; and instead of enjoying them, to endure the miseries and hardships of forty years travels in a barren wilderness, must not be thought a punishment, and only because occasioned by their Parents sins. But whatever is inflicted on the account of sin, and with a design to shew God's severity against it, and thereby to deter others from the practice of it, hath the proper notion of punishment in it; and all these things did concurr in this instance, besides the general sense of mankind in the matter of their punishment, which was such, that supposing them preserved in their liberty, could not have been imagined greater. And therefore *Vatablus*, whom *Socinus* and *Crellius* highly commend, thus renders those words, *dabunt pœnas pro fornicationibus vestris quibus defeciſtis à Deo vestro:* They shall suffer the punishment of your fornications. And that bearing the sins of Parents doth imply properly bearing the punishment of them, methinks they should not so earnestly deny, who contend that to be the meaning of the words in *Ezekiel*, *The Son shall not bear the iniquity of the Father*; viz. *that he shall not bear the punishment of his Fathers sins.* Where in bearing iniquity with a respect to their Parents sins, by their own confession, must be taken for the proper punishment; for otherwise they do not deny, but Children, notwithstanding that sentence, may undergo much affliction on the occasion of their Parents sins.

Pſal. 95. 11. Heb. 3. 11.

Doctiſſimè & elegantiſſimè Vatablus ut ferè ſolet. Soc. de ſerv. l. 1. c. 8. Crell. cap. 1. Sect. 31. Ezek. 18. 20.

Crell. cap. 4. ſect. 15.

Of the Scape-Goats bearing away the ſins of the people.

IV. But *Socinus* further objects, *that bearing sins doth not imply the punishment of them, because the Scape-Goat under the Law, is said to bear upon him the iniquities of the people, and yet could not be said to be punished for them.* To which *Grotius* answers, *that* Socinus *takes it for granted without reason, that the Scape-Goat could not be said to be punished for the sins of the people; for punishment in general, may fall upon beasts for the sins of men,* Gen. 9. 5. Exod. 21. 28. Lev. 20. 15. Gen. 8. 21. *and* Socinus *hath no cause to say, that the Scape-Goat was not slain; for the Jewish Interpreters do all agree that he was, and however the sending him into the Wilderness was intended as a punishment, and most probably by an unnatural death.* To which *Crellius* replies, *That in the*

Soci. 2. c. 4. Lev. 16. 22. *Grot. de ſat cap. 1.*

Crell. cap. 1. ſect. 56.

gene-

general, he denies not but punishment may fall upon beasts as well as men; but (that he might shew himself true to his principle, that one cannot be punished for anothers faults,) he falls into a very pleasant discourse, *That the Beasts are not said to be punished for mens sins, but for their own, and therefore when it is said, before the flood, that all flesh had corrupted his way; he will by no means have it understood only of men, but that the sins of the beasts at that time, were greater than ordinary, as well as mens.* Gen. 6. 12. But he hath not told us what they were, whether by eating some forbidden herbs; or entring into conspiracies against mankind their lawful Sovereigns, or unlawful mixtures; and therefore we have yet reason to believe, that when God saith, *the ground was cursed for man's sake*, that the beasts were punished for mans sin. And if *all flesh*, must comprehend *beasts* in this place, why shall not *all flesh seeing the glory of the Lord*, take in the beasts there too? For *Vatablus* parallels this place with the other. *But if*, saith *Crellius*, *any shall contend that some beasts at least were innocent, then*, he saith, *that those though they were destroyed by the flood, yet did not suffer punishment, but only a calamity by occasion of the sins of men.* I wonder he did not rather say, that the innocent beasts were taken into the Ark, for the propagation of a better kind afterwards. But by this solemn distinction of *Calamities* and *Punishments*, there is nothing so miserable, that either men or beasts can undergo, but when it serves their turn, it shall be only a calamity and no punishment, though it be said to be on purpose to shew God's severity against the sins of the world. And this excellent notion of the *beasts being punished for their own sins*, is improved by him to the vindication of the *Scape-Goat* from being *punished, because then*, saith he, *the most wicked and corrupt Goat should have been made choice of.* As though all the design of that great day of expiation had been only to call the Children of *Israel* together with great solemnity, to let them see, how a poor Goat must be punished for breaking the Laws which we do not know were ever made for them. I had thought our Adversaries had maintained that the Sacrifices (on the day of expiation at least) had represented and typified the Sacrifice which was to be offered up by Christ; and so *Socinus* and *Crellius* elsewhere contend: He needed not therefore have troubled himself concerning the sins of the Goat, when it is expresly said, *That the sins of the people were put on the head of the Goat*; Whatever then the punishment were, it was on the account of the sins of the people, and not his own. But *Crellius* urgeth against *Grotius*, *that if the Scape-Goat had been punished for the expiation of the sins of the people, that should have been particularly expressed in Scripture, whereas nothing is said there at all of it, and that the throwing down the Scape-Goat from the top of the rock, was no part of the Primitive Institution, but one of the superstitions taken up by the Jews in after-times, because of the Ominousness of the return of it; and although we should suppose (which is not probable) that it should die by famine in the Wilderness, yet this was not the death for expiation, which was to be by the shedding of blood.* To this therefore I answer, 1. I do not insist on the customs of the later Jews to prove from thence any punishment designed by the primitive institution. For I shall easily yield, that many superstitions obtained among them afterwards about the Scape-Goat; as the stories of the red list turning white upon the head of it, the booths and the causey made on purpose, and several other things mentioned in the Rabbinical Writers do manifest. But yet it Lev. 16. 21. *Cod. Joma tit. 6.*

ſeems very probable from the Text it ſelf, that the Scape-Goat was not carried into the Wilderneſs at large, but to a ſteep mountain there. For although we have commonly render'd *Azazel* by the *Scape-Goat*, yet according to the beſt of the Jewiſh writers, as *P. Fagius* tells us, עזאזל doth not come from עז a Goat, and אזל *abiit*; but is the name of a Mountain very ſteep and rocky near Mount *Sinai*, and therefore probably called by the latter Jews, צור, the name of a *Rock*: And to this purpoſe, it is obſervable that where we render it, *and let him go for a Scape-Goat into the Wilderneſs*, in the *Hebrew* it is, לשלח אתו לעזאזל חפיברה *to ſend him to* Azazel *in the Wilderneſs*: As the joyning the prepoſition ל doth import, and the *Arabick* Verſion whereever *Azazel* is mentioned, renders it by Mount *Azaz*: and the *Chaldee* and *Syriack to Azazel*; ſo that from hence, a carrying the *Scape-Goat* to a certain place may be inferred; but I ſee no foundation in the Text for the throwing it down from the rock when it was there; and therefore I cannot think, but that if the puniſhment intended did lie in that, it would have been expreſly mentioned in the ſolemnities of that day, which had ſo great an influence on the expiation of the ſins of the people.

Lev. 16. 12.

2. I anſwer, that the *Scape-Goat* was to denote rather the effect of the expiation, than the manner of obtaining it. For the proper expiation was *by the ſhedding of blood*, as the *Apoſtle* tells us; and thence the live Goat was not to have the ſins of the people *to bear away into the deſart, till the High-Prieſt had made an end of reconciling the Holy Place, and the Tabernacle of the Congregation, and the Altar; and by the ſprinkling of the blood of the other Goat which was the ſin-offering for the people*; which being done, *he was to bring the live Goat, and to lay his hands upon the head of it, and confeſs over it all the iniquities of the Children of* Iſrael, *and all their tranſgreſſions in all their ſins, putting them upon the head of the Goat, and ſhall ſend him away by the hand of a fit man into the Wilderneſs; and ſo the Goat ſhall bear upon him all their iniquities unto a land not inhabited, and he ſhall let go the Goat in the Wilderneſs.* So that the former Goat noted the way of expiation by the ſhedding of blood, and the latter the effect of it, *viz.* that the ſins of the people were declared to be expiated by the ſending the Goat charged with their ſins into a deſart place; and that their ſins would not appear in the preſence of God againſt them, any more than they expected, that the Goat which was ſent into the Wilderneſs ſhould return among them. Which was the reaſon that afterwards they took ſo much care that it ſhould not, by cauſing it to be thrown off from a ſteep rock; which was no ſooner done, but notice was given of it very ſuddenly by the ſounding of horns all over the Land. But the force of *Socinus* his argument from the Scape-Goat's bearing the ſins of the people, that therefore that phraſe doth not always imply the bearing of puniſhment, is taken off by *Crellius* himſelf, who tells us, *that the Scape-Goat is not ſaid to bear the ſins of the people in the Wilderneſs; but only that it carried the ſins of the people into the Wilderneſs*, which is a phraſe of another importance from that we are now diſcourſing of. As will now further appear from the places where it is ſpoken of concerning our Saviour, which we now come particularly to examine.

Heb. 9. 22.

Lev. 16. 20.

V. 15.

V. 21.

V. 22.

Crell. c. 1. ſect. 56.

Grotius his ſenſe of 1 *Pet.* 2. 24. vindicated.

V. The firſt place inſiſted on by *Grotius* with a reſpect to Chriſt, is 1 *Pet.* 2. 24 *Who his own ſelf bare our ſins, in his own body on the tree, which*, ſaith *Crellius*, *is ſo far from proving that Chriſt did bear the puniſhment of our ſins, that it doth not imply any ſufferings that he underwent on the occaſion*

Crell. c. 1. ſect. 35.

ſion of them. He grants *that* ἀναφέρειν *doth ſignifie to carry up, but withall* (he ſaith) *it ſignifies to take away; becauſe that which is taken up, is taken away from the place where it was.* Beſides, he obſerves, *that* ἀναφέρειν *doth anſwer to the Hebrew* העלה, *he hath made to aſcend, which is frequently rendred by it in the LXX. and ſometime by* ἀνάγειν; *but that Hebrew word doth often ſignifie to take away, where it is rendred in the Greek by one of thoſe two words,* 2 *Sam.* 21. 13. *Joſh.* 24. 32. *Pſal.* 102. 25. *Ezra* 1. 11. To which I anſwer, 1. That the ſignification of ἀναφέρειν in this place, muſt not be taken from every ſenſe the word is ever uſed for, but in that which the words out of which theſe are taken do imply; and in *Iſa.* 53. 11. it doth not anſwer העלה but to סבל, a word which by the confeſſion of all is never properly uſed for taking away, but for bearing of a burden, and is uſed with a reſpect to the puniſhment of ſin, *Lament.* 5. 7. *Our fathers have ſinned, and are not, and we have born their iniquities,* where the ſame word is uſed; ſo that the ſignification of the word ἀναφέρειν here, muſt depend upon that in *Iſaiah,* of which more afterward. 2. Granting that ἀναφέρειν doth anſwer ſometimes to the *Hebrew* העלה, yet it makes nothing to *Crellius* his purpoſe, unleſs he can prove that ἀναφέρειν doth ever ſignifie the taking away a thing by the deſtruction of it; for where it anſwers to that word, it is either for the offering up of a Sacrifice, in which ſenſe ἀναφέρειν is very frequently uſed, as is confeſſed by *Crellius*; and in that ſenſe it is no prejudice at all to our cauſe; for then it muſt be granted, that Chriſt upon the Croſs is to be conſidered as a *ſacrifice* for the ſins of men; and ſo our ſins were laid upon him as they were ſuppoſed to be on the Sacrifices under the Law, in order to the expiation of them, by the ſhedding their blood; and if our Adverſaries would acknowledge this, the difference would not be ſo great between us; or elſe it is uſed for the removal of a thing from one place to another, the thing it ſelf ſtill remaining in being, as 2 Sam. 21. 13. *And he made* Saul's *bones to aſcend,* ἀνήνεγκεν ἐνεῖδεν τὰ ὀστᾶ, *he took them away,* ſaith *Crellius*; true, but it is ſuch a taking away, as is a bare removal, the thing ſtill remaining; the ſame is to be ſaid of *Joſeph*'s bones, *Joſh.* 24. 32. which are all the places where ἀναφέρειν is uſed; and although ἀνάγειν may be ſometimes taken in another ſenſe, as *Pſal.* 102. 25. yet nothing can be more unreaſonable than ſuch a way of arguing as this is; ἀναφέρειν, ſaith *Crellius*, ſignifies *taking away*; we demand his proof of it; is it that the word ſignifies ſo much of it ſelf? *No*; that he grants it doth not. Is it that it is frequently uſed in the *Greek Verſion* to render a word that properly doth ſignifie ſo? *No*; nor that neither. But how is it then? *Crellius* tells us, that it ſometimes anſwers to a word that ſignifies to make to aſcend: well, but doth that word ſignifie *taking away? No*; not conſtantly, for it is frequently uſed for a *ſacrifice:* But doth it at any time ſignifie ſo? *Yes*; it ſignifies the removal of a thing from one place to another. Is that the ſenſe then he contends for here? *No*; but how then? why ἀναφέρειν is uſed to render the ſame word that ἀνάγειν doth, and ἀνάγειν, though it ſignifies too a bare removal, as *Ezra* 1. 11. yet *Pſal.* 102. 25. it is uſed for cutting off, μὴ ἀναγάγῃς μὲ, the Hebr. is, *make me not to aſcend in the midſt of my days.* But doth it here ſignifie utter deſtruction? I ſuppoſe not; but grant it, what is this to ἀναφέρειν, when the LXX uſeth not that word here, which for all that we know was purpoſely altered; ſo that at laſt ἀναφέρειν is far enough from any ſuch ſignification as *Crellius*

would fix upon it, unleſs he will aſſert, that Chriſt taking away our ſins, was only a removal of them from Earth to Heaven. But here *Grotius* comes in to the relief of *Crellius* againſt himſelf; for in his Notes upon this place, though he had before ſaid, that the word was never uſed in the New Teſtament in that ſenſe, yet he there ſaith, ἀνήνεγκεν is *abſtulit*, for which he referrs us to *Heb.* 9. 28. where he proceeds altogether as ſubtilly as *Crellius* had done before him, for he tells us ἀναφέρειν is put for φέρειν, נשׂא, *Numb.* 14. 33. *Deut.* 14. 24. *Iſa.* 53. 12. but φέρειν, i. e. נשׂא is put for ἀφαιρεῖν, *Lev.* 1c. 17. *Numb.* 14. 18. A moſt excellent way of interpreting Scripture? conſidering the various ſignifications of the Hebrew words, and above all of that נשׂא which is here mentioned. For according to this way of arguing, ἀφαιρεῖν ſhall ſignifie the ſame with λαμβάνειν, ὑπέχειν, and βαστάζειν, for נשׂא ſignifies all theſe, and is rendred by them in the *Greek Verſion*, ſo that by the ſame way that *Grotius* proves that ἀναφέρειν ſignifies ἀφαιρεῖν, we can prove that ἀφαιρεῖν doth not ſignifie *to take away*, but *to bear puniſhment*; nay, נשׂא ſignifies *the bearing puniſhment* in the ſtricteſt ſenſe, *Ezek.* 16. 52, 54. and *bearing ſin* in that ſenſe, *Ezek.* 16. 58. *Thou haſt born thy leudneſs, and thy abominations*, נשׂאתיך. So that when נשׂא is more frequently uſed in this than in the other ſenſe, why ſhall its ſignifying ἀφαιρεῖν at any time make ἀναφέρειν be taken in the ſame ſenſe with that? Nay, I do not remember in any place where נשׂא is joyned with ſin, but it ſignifies the puniſhment of it, ſo ἁμαρτίαν λαμβάνειν, Lev. 19. 8. *to bear his iniquity*, Lev. 20. 17. ἁμαρτίαν νομίζειν, *bearing their iniquity*, in one verſe, is explained by *being cut off from among their people*, in the next. And in the places cited by *Grotius*, that *Numb.* 14. 33. hath been already ſhewed to ſignifie bearing the puniſhment of ſin, and that *Deut.* 14. 24. is plainly underſtood of a Sacrifice, the other, *Iſa.* 53. 12. will be afterwards made appear by other places in the ſame Chapter to ſignifie nothing to this purpoſe. So that for all we can yet ſee, ἀναφέρειν muſt be taken either for *bearing our ſins* as a *ſacrifice* did under the Law, or the *puniſhment* of them; in either ſenſe it ſerves our purpoſe, but is far enough from our Adverſaries meaning.

Crell. his ſenſe examined.

VI. But ſuppoſing we ſhould grant them, that ἀναφέρειν may ſignifie *to take away*, let us ſee what excellent ſenſe they make of theſe words of St. *Peter*. Do they then ſay, that Chriſt did take away our ſins upon the Croſs? *No*; they have a great care of that, for that would make the expiation of ſins to have been performed there; which they utterly deny, and ſay, that Chriſt only took the Croſs in his way to his Aſcenſion to Heaven, that there he might expiate ſins. But doth not St. *Peter* ſay, that what was done by him here, was *in his body on the tree:* and they will not ſay, he carried that with him to Heaven too. Well, but what then was the taking away of ſin which belonged to Chriſt upon the Croſs? is it only to perſwade men to live vertuouſly, and leave off their ſins? This *Socinus* would have, and *Crellius* is "contented that it ſhould be underſtood barely of taking away ſins, "and not of the puniſhment of them, but only by way of acceſſion "and conſequence: but if it be taken (*which he inclines more to*) for "the puniſhment, then (*he ſaith*) it is to be underſtood not of the "vertue and efficacy of the death of Chriſt, but of the effect: *and yet* "*a little after he ſaith*, thoſe words of Chriſt bearing our ſins, are to "be underſtood of the force and efficacy of Chriſts death to do it, not "including the effect of it in us; not as though Chriſt did deliver us from

Soc. de ſerv. l. 2. *cap.* 6. *Crell. cap.* 1. *Sect.* 39.

" from ſins by his death, but that he did that by dying, upon which " the taking away of ſin would follow, or which had a great power for " the doing it. So uncertain are our Adverſaries, in affixing any ſenſe upon theſe words, which may attribute any effect at all, to the death of Chriſt upon the Croſs. For if they be underſtood of taking away ſins, then they are only to be meant of the power that was in the death of Chriſt, to perſwade men to leave their ſins; which we muſt have a care of underſtanding ſo, as to attribute any effect to the death of Chriſt in order to it; but only that the death of Chriſt was an argument for us to believe what he ſaid, and the believing what he ſaid would incline us to obey him, and if we obey him, we ſhall leave off our ſins whether Chriſt had died or no: ſuppoſing his miracles had the ſame effect on us, which thoſe of *Moſes* had upon the *Jews*, which were ſufficient to perſwade them to believe and obey without his death. But if this be all that was meant by Chriſt's *bearing our ſins in his body on the tree*; why might not St. *Peter* himſelf be ſaid to bear them upon his Croſs too? for his death was an excellent example of patience, and a great argument to perſwade men he ſpake truth, and that doctrine which he preached, was repentance and remiſſion of ſins: So that by this ſenſe there is nothing peculiar attributed to the *death of Chriſt*. But taking the other ſenſe for the *taking away the puniſhment of ſins*, we muſt ſee how this belongs to the death of Chriſt: Do they then attribute our delivery from the puniſhment of ſin, to the death of Chriſt on the *Croſs?* yes, juſt as we may attribute *Cæſar*'s ſubduing *Rome*, to his paſſing over *Rubicon*, becauſe he took that in his way to the doing of it: ſo they make the death of Chriſt only as a paſſage, in order to expiation of ſins, by taking away the puniſhment of them. For that ſhall not be actually perfected, they ſay, till his full deliverance of all thoſe that obey him, from hell and the grave, which will not be till his ſecond coming. So that if we only take *the body* of Chriſt for his *ſecond coming*, and the *Croſs* of Chriſt, or the *tree*, for his *Throne of Glory*, then they will acknowledge, that Chriſt may very well be ſaid *to take away ſins in his own body on the tree*: but if you take it in any ſenſe that doth imply any peculiar efficacy to the death of Chriſt, for all the plainneſs of St. *Peter*'s words, they by no means will admit of it.

VII. But becauſe *Crellius* urgeth *Grotius* with the ſenſe of that place, *Iſa.* 53. 11. out of which he contends theſe words are taken, and *Crellius* conceives he can prove there, *that bearing is the ſame with taking away ſin*: We now come to conſider, what force he can find from thence, for the juſtifying of his aſſertion, *That the bearing of ſins, when attributed to Chriſt, doth not imply the puniſhment of them, but the taking them away.* The words are, *for he ſhall bear their iniquities.* As to which *Grotius* obſerves, *That the word* עון *which ſignifies iniquity, is ſometimes taken for the puniſhment of ſin,* 2 King 7. 9. *and the verb* כבל *is to bear, and whenever it is joyned with ſin or iniquity, in all languages, and eſpecially the Hebrew, it ſignifies to ſuffer puniſhment; for although* נשא *may ſometimes ſignifie to take away,* סבל *never does: ſo that this phraſe can receive no other interpretation.* Notwithſtanding all which *Crellius* attempts to prove, *That* סבל *here, muſt be taken in a ſenſe contrary to the natural and perpetual uſe of the word*; for which his firſt argument is very infirm, *viz. becauſe it is mentioned after the death of Chriſt, and is therefore to be conſidered as the reward of the other.* Whereas it appears: 1. By the *Prophets* diſcourſe, that he doth not

Iſa. 53. 11. vindicated. *Crell. c.* 1. *ſect.* 35.

Crell. c. 1. *Sect.* 44.

not insist on an exact methodical order, but dilates and amplifies things as he sees occasion: for *Verse* 9. he saith, *He made his grave with the wicked, and with the rich in his death*; and *Verse* 10. he said, *Yet it pleased the Lord to bruise him, he hath put him to grief:* Will *Crellius* therefore say, that this must be consequent to his death and burial? 2. The particle ו may be here taken causally, as we render it, very agreeably to the sense; and so it gives an account of the foregoing clause, *By his knowledge, shall my righteous servant justifie many, for he shall bear their iniquities.* And that this is no unusual acception of that particle, might be easily cleared from many places of *Scripture* if it were necessary; and from this very *Prophet*, as *Isa.* 39. 1. where וישמע is the same with בי שמע 2 *Kings* 20. 12. and *Isa.* 64. 5. *Thou art wroth, for we have sinned*, ונחטא, what where the same particle is made the casual of what went before. But we need not insist upon this to answer *Crellius*, who elsewhere makes use of it himself, and says, *They must be very ignorant of the Hebrew Tongue, who do not know that the conjunction copulative is often taken casually*; and so much is confessed by *Socinus* also, where he explains that particle in one sense in the beginning, and casually in the middle of the verse: *and the Lord's anger was kindled against Israel*, ויחר, *for he moved*, &c. but if this will not do, he attempts to prove, *That* סבל *in this very Chapter, hath the signification of taking away*, v. 4. *For he hath born our griefs, and carried our sorrows*, which is applied by St. *Matth.* 8. 17. *to bodily diseases, which our Saviour did not bear, but took away, as it is said in the foregoing Verse; he healed all that were sick, on which those words come in, That it might be fulfilled which was spoken by Isaias*, &c. To which I answer: 1. It is granted by our Adversaries, that St. *Matthew* in those words, doth not give the full sense of the *Prophet*, but only applies that by way of accommodation, to bodily diseases, which was chiefly intended for the sins of men. And in a way of accommodation it is not unusual to strain words beyond their genuine and natural signification, or what was intended primarily by the person who spake them. Would it be reasonable for any to say that לקח signifies *to give*, because that place, *Psal.* 68. 18. where the word by all is acknowledged to signifie *to receive*, is rendred *to give*, *Eph.* 4. 8. so that admitting another sense of the word here, as applied to the cure of bodily diseases, it doth not from thence follow, that this should be the meaning of the word in the primary sense intended by the *Prophet*. 2. The word as used by St. *Matthew*, is very capable of the primary and natural sense; for St. *Matthew* retains words of the same signification, with that which we contend for, ἀιρέλαβε and ἐβάστασε, neither of which doth signifie taking away, by causing a thing not to be. So that all that is implied hereby, is the *pains* and *trouble* which our Saviour *took* in healing of the sick. For to that end, as *Grotius* well observes upon that place, the Circumstances are mentioned, *That it was at even, and multitudes were brought to him, in St.* Matthew; that *after Sun set all that were diseased were brought, and all the City was gathered together at the door, in St.* Mark; *That he departed not till it was day, in St.* Luke; that he might the better understand how our Saviour did *bear our griefs*, because the pains he took in healing them were so great. And here I cannot but observe, that *Grotius* in his Notes on that place, continued still in the same mind he was in, when he writ against *Socinus*; for he saith, "Those words may either refer to the diseases of the body, and so they note the pains "he

Crell. c. 9. sect. 7. p. 463.
Soc. Præl. c. 14. sect. 6
2 Sam. 24. 1.
Mat. 8. 16.
Mar. 1. 32, 33. Luke 4. 42.

" he took in the cure of them; or to our sins, and so they were ful-
" filled when Christ by suffering upon the Cross, did obtain remission
" of sins for us, as St. *Peter* saith, 1 *Pet.* 2. 24. But upon what reason the *Annotations* on that place come to be so different from his sense expressed here, long after *Crellius* his answer, I do not understand. But we are sure he declared his mind, as to the main of that Controversie, to be the same, that it was when he writ his Book which *Crellius* answered; as appears by two Letters of his to *Vossius*, not long since published; and he utterly disowns the charge of *Socinianism*, as a calumny in his *discussion*, the last Book he ever writ. *Epist. Eccl. p.* 747, 748. *Discuss. p.* 16, 17.

VIII. But we are no further obliged to vindicate *Grotius*, than he did the *truth*; which we are sure he did in the vindication of the 53 of *Isaiah*, from *Socinus* his interpretations, notwithstanding what *Crellius* hath objected against him. We therefore proceed to other Verses in the same Chapter insisted on by *Grotius*, to prove; *that Christ did bear the punishments of our sins*, v. 6, 7. *The Lord hath laid on him the iniquities of us all; It is required, and he was afflicted*, as *Grotius* renders those words. *Socinus* makes a twofold sense of the former clause; the first is, *That God by or with Christ did meet with our iniquities*; the latter, *That God did make our iniquities to meet with Christ.* The words saith *Grotius*, will not bear the former interpretation; *for the verb* הִפְגִּיעַ *being in Hiphil, must import a double action, and so it must not be, That God by him did meet with our sins, but that God did make our sins to meet upon him.* To which *Crellius* replies, *That words in Hiphil are sometimes used intransitively*; but can he produce any instance in Scripture, where this word joyned with ב and את is so taken? for in the last verse of the Chapter, the construction is different: And what an uncertain way of interpreting *Scripture* will this be, if every Anomalous signification, and rare use of a word, shall be made use of to take away such a sense as is most agreeable to the design of the place. For that sense we contend for, is not only forced upon the most natural importance of these words, but upon the agreeableness of them with so many other expressions of this Chapter, that *Christ did bear our iniquities*, and *was wounded for our transgressions*, and that *his soul was made an offering for sin:* To which it is very suitable, that as the iniquities of the people were (as it were) laid upon the head of the Sacrifice; so it should be said of Christ, who was to offer up himself for the sins of the world. And the *Jews* themselves by this phrase do understand the punishment either for the sins of the people, which *Josias* underwent, or which the people themselves suffered, by those who interpret this prophecy of them. To which purpose, *Aben Ezra* observes, that *iniquity is here put for the punishment of it*, as 1 *Sam.* 28. 10. and *Lam.* 4. 6. But *Socinus* mistrusting the incongruity of this Interpretation, flies to another; *viz. That God did make our iniquities to meet with Christ:* And this we are willing to admit of, if by that they mean, That Christ underwent the punishment of them; as that phrase must naturally imports, for what otherwise can *our iniquities meeting with him* signifie? For the word פגע taken properly (as *Socinus* acknowledgeth it ought to be, when he rejects *Pagnin*'s Interpretation of making Christ to interceed for our iniquities) signifies, either to meet with one by chance, or out of kindness, or else for an encounter, with an intention to destroy that which it meets with. So *Judg.* 8. 21. *Rise thou* יפגע בנו, ἀπάντηστον ἡμῖν, LXX. *irrue in nos, fall upon us*; *i. e.* run *De Servat. l.* 2. *c.* 5. *Crell. c.* 1. *sect.* 52.

run upon us with thy ſword, and kill us. *Judg.* 15. 12. *Swear unto me, that ye will not fall upon me your ſelves*; where the ſame word is uſed, and they explain the meaning of it in the next words, *v.* 13. *We will not kill thee*, Amos 5. 19. *as if a man did flee from a Lyon, and a Bear met him*, וּפְגָעוֹ, i. e. *with a deſign to kill him.* Now I ſuppoſe they will not ſay that our ſins met with Chriſt by Chance, ſince it is ſaid, that *God laid on him*, &c. not out of kindneſs; it muſt be therefore out of enmity, and with a deſign to deſtroy him; and ſo our ſins cannot be underſtood as *Socinus* and *Crellius* would have them, as the meer occaſions of Chriſt's death: but as the proper impulſive cauſe of it. Whether the following word נגש be taken with a reſpect to ſin, and ſo it properly ſignifies, *it is required*, or with a reſpect to the perſon, and ſo it may ſignifie *he was oppreſſed*, is not a matter of that conſequence, which we ought to contend about; if it be proved that Chriſt's oppreſſion had only a reſpect to ſin, as the puniſhment of it. Which will yet further appear from another expreſſion in the ſame Chapter, v. 5. *The chaſtiſement of our peace was upon him, and by his ſtripes we are healed.* In which *Grotius* ſaith "the word מוסר doth not "ſignifie any kind of affliction, but ſuch as hath the nature of puniſh- "ment, either for example or inſtruction; but ſince the latter cannot "be intended in Chriſt, the former muſt. *Crellius* thinks to eſcape from this, by acknowledging, *that the ſufferings of Chriſt have ſome reſpect to ſin*; but if it be ſuch a reſpect to ſin, which makes what Chriſt underwent a puniſhment (which is only proper in this caſe) it is as much as we contend for. This therefore he is loth to abide by; and ſaith *that chaſtiſement imports no more than bare affliction without any reſpect to ſin*, which he thinks to prove from St. *Paul*'s words, 2 Cor. 6. 9. *We are chaſtiſed, but not given over to death*; but how far this is from proving his purpoſe will eaſily appear, 1. Becauſe thoſe by whom they were ſaid *to be chaſtned*, did not think they did it without any reſpect to a fault; but they ſuppoſed them to be juſtly puniſhed; and this is that we plead for, that the chaſtiſement conſidered with a reſpect to him that inflicts it, doth ſuppoſe ſome fault as reaſon of the inflicting it. 2. This is far from the preſent purpoſe, for the *chaſtiſement* there mentioned is oppoſed to death, *as chaſtned, but not killed*; whereas *Grotius* expreſly ſpeaks of ſuch *chaſtiſements as include death*, that theſe cannot be ſuppoſed to be meerly deſigned for inſtruction, and therefore muſt be conceived under the notion of puniſhment. The other place, *Pſal.* 73. 14. is yet more remote from the buſineſs; for though the *Pſalmiſt* accounts himſelf innocent in reſpect of the great enormities of others; yet he could not account himſelf ſo innocent with a reſpect to God, as not to deſerve chaſtiſement from him.

Crell. c. 1. *ſect.* 57.

Whether Chriſt's death be a proper κόλασις, and whether that doth imply that it was a puniſhment of ſin.

IX. But *Crellius* offers further to prove that Chriſt's death muſt be conſidered as a bare affliction, and not as a κόλασις, or exemplary puniſhment, becauſe "in ſuch a puniſhment the guilty themſelves are "to be puniſhed, and the benefit comes to thoſe who were not guilty, "but in Chriſt's ſufferings it was quite contrary, for the innocent was "puniſhed, and the guilty have the benefit of it: and yet (*he ſaith*) "if we ſhould grant that Chriſt's ſufferings were a παράδειγμα, that "will not prove that his death was a proper puniſhment. To which I anſwer, That whatever anſwers to the ends of an *exemplary puniſhment*, may properly be called ſo: but ſuppoſing that Chriſt ſuffered the puniſhment of our ſins, thoſe ſufferings will anſwer to all the ends of

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an exemplary punishment. For the ends of such a punishment assigned by *Crellius* himself, are, "That others observing such a punishment, "may abstain from those sins which have brought it upon the person "who suffers. Now the question is, whether supposing Christ did suffer on the account of our sins, these sufferings of his may deter us from the practice of sin or no? And therefore in opposition to *Crellius*, I shall prove these two things: 1. That supposing Christ suffered for our sins, there was a sufficient argument to deter us from the practice of sin. 2. Supposing that his sufferings had no respect to our sins, they could not have that force to deter men from the practice of it: for he after asserts, *That Christ's sufferings might be a παράδειγμα to us, though they were no punishment of sin.* 1. That the death of Christ considered as a punishment of sin, is a proper παράδειγμα, or hath a great force to deter men from the practice of sin: and that because the same reason of punishment is supposed in Christ and in our selves, and because the example is much more considerable, than if we had suffered our selves. 1. The same reason of punishment is supposed. For why are men deterred from sin, by seeing others punished; but because they look upon the sin as the reason of the punishment; and therefore where the same reason holds, the same ends may be as properly obtained. If we said that Christ suffered death meerly as an innocent person out of God's dominion over his life; what imaginable force could this have to deter men from sin, which is asserted to have no relation to it as the cause of it? But when we say, that *God laid our iniquities upon him*, that he suffered not upon his own account but ours; that the sins we commit against God were the cause of all those bitter Agonies which the Son of God underwent, what argument can be more proper to deter men from sin than this is? For hereby they see the great abhorrency of sin which is in God, that he will not pardon the sins of men without a compensation made to his Honour, and a demonstration to the world of his hatred of it. Hereby they see what a value God hath for his Laws, which he will not relax as to the punishment of offenders, without so valuable a consideration as the blood of his own Son. Hereby they see, that the punishment of sin is no meer arbitrary thing depending barely upon the will of God; but that there is such a connexion between sin and punishment as to the ends of Government, that unless the Honour and Majesty of God, as to his Laws and Government may be preserved, the violation of his Laws must expect *a just recompence of reward*. Hereby they see what those are to expect who neglect or despise these sufferings of the Son of God for them; for nothing can then remain, but *a certain fearful looking for of judgment and fiery indignation which shall devour the Adversaries.* So that, here all the weighty arguments concur which may be most apt to prevail upon men to deter them from their sins. *For if God did thus by the green tree, what will he do by the dry?* If he who was so innocent in himself, so perfectly holy, suffered so much on the account of our sins; what then may those expect to suffer, who have no innocency at all to plead, and add wilfulness and impenitency to their sins? But if it be replied by *Crellius, that it is otherwise among men:* I answer, that we do not pretend in all things to parallel the sufferings of Christ for us, with any sufferings of men for one another. But yet we add, that even among men the punishments inflicted on those who were themselves innocent as to the cause of them, may be as exemplary as any o-

ther. And the greater appearance of severity there is in them, the greater terror they strike into all offenders. As Children's losing their estates and honours, or being banished for their Parents treasons in which they had no part themselves. Which is a proper punishment on them of their Father's faults, whether they be guilty or no? and if this may be just in men, why not in God? If any say, *that the Parents are only punished in the Children*, he speaks that which is contradictory to the common sense of mankind; for punishment doth suppose sense or feeling of it; and in this case the Parents are said to be punished, who are supposed to be dead and past feeling of it; and the Children who undergo the smart of it must not be said to be punished; though all things are so like it, that no person can imagine himself in that condition, but would think himself punished, and severely too. If it be said, *that these are calamities indeed, but they are no proper punishments*, it may easily be shewed that distinction will not hold here. Because these punishments were within the design of the Law, and were intended for all the ends of punishments, and therefore must have the nature of them. For therefore the Children are involved in the Father's punishment on purpose to deter others from the like Actions. There are some things indeed that Children may fall into by occasion of their Father's guilt, which may be only *calamities* to them, because they are necessary consequents in the nature of the thing, and not purposely design'd as a punishment to them. Thus, being deprived of the comfort and assistance of their Parents, when the Law hath taken them off by the hand of justice: this was designed by the Law as a punishment to the Parents, and as to the Children it is only a necessary consequent of their punishment. For otherwise the Parents would have been punished for the Childrens faults, and not the Children only involved in that which unavoidably follows upon the Parents punishment. So that *Crellius* is very much mistaken either in the present case of our Saviour's punishment, or in the general reason of exemplary punishments, as among men. But the case of our Saviour is more exemplary, when we consider the excellency of his person, though appearing in our nature, when no meaner sufferings would satisfie, than of so transcendent a nature as he underwent, though he were the Eternal Son of God, this must make punishment much more exemplary, than if he were considered only as our Adversaries do, as *a mere man*. So that the dignity of his person under all his sufferings may justly add a greater consideration to deter us from the practice of sin, which was so severely punished in him, when he was pleased to be a Sacrifice for our sins. From whence we see that the ends of a παράδειγμα are very agreeable with the sufferings of Christ considered as a punishment of sin.

God's hatred of sin could not be seen in the sufferings of Christ, if they were no punishment of sin. *Crell. c. 1. p. 69.*

X. We now consider whether as *Crellius* asserts, supposing Christ's death were no punishment, it could have these effects upon mens minds or no? *Yes*, he saith, *it might, because by his sufferings we might see how severely God would punish wicked and obstinate persons.* Which being a strange riddle at the first hearing it, *viz.* that by the sufferings of an innocent person without any respect to sin as the cause of them: we should discern God's severity against those who are obstinate in sin; we ought the more diligently to attend to what is said for the clearing of it. "*First*, saith he, If God spared not his own most inno-
"cent and holy and only Son, than whom nothing was more dear to
"him

" him in Heaven or Earth, but expoſed him to ſo cruel and ignomi-
" nious a death; how great and ſevere ſufferings may we think God
" will inflict on wicked men, who are at open defiance with him? I confeſs my ſelf not ſubtle enough to apprehend the force of this argument, *viz.* If God dealt ſo ſeverely with him who had no ſin either of his own or others to anſwer for; therefore he will deal much more ſeverely with thoſe that have. For God's ſeverity conſidered without any reſpect to ſin, gives rather encouragement to ſinners, than any argument to deter them from it. For the natural conſequence of it is, that God doth act arbitrarily, without any regard to the good or evil of mens actions; and therefore it is to no purpoſe to be ſollicitous about them. For upon the ſame account that the moſt innocent perſon ſuffers moſt ſeverely from him, for all that we know, the more we ſtrive to be innocent, the more ſeverely we may be dealt with; and let men ſin, they can be but dealt ſeverely with; all the difference then is, one ſhall be called *puniſhments*, and the other calamities, but the ſeverity may be the ſame in both. And who would leave off his ſins meerly to change the name of *puniſhments* into that of *Calamities?* And from hence it will follow, that the differences of good and evil, and the reſpects of them to puniſhment and reward, are but airy and empty things; but that God really in the diſpenſiation of things to men, hath no regard to what men are or do, but acts therein according to his own Dominion, whereby he may diſpoſe of men how or which way he pleaſes. If a Prince had many of his Subjects in open rebellion againſt him, and he ſhould at that time make his moſt obedient and beloved Son to be publickly expoſed to all manner of indignities, and be diſhonoured and put to death by the hands of thoſe rebels; could any one imagine that this was deſigned as an exemplary puniſhment to all Rebels, to let them ſee the danger of Rebellion? *No*, but would it not rather make them think him a cruel Prince, one that would puniſh innocency as much as Rebellion; and that it was rather better to ſtand at defiance, and become deſperate, for it was more dangerous to be beloved than hated by him, to be his Son than his declared Enemy? ſo that inſiſting on the death of Chriſt as it is conſidered as a παράδειγμα, (for of that we ſpeak now) there is no compariſon between our Adverſaries *hypotheſis* and *ours*; *but*, ſaith *Crellius*; *the conſequence is not good on our ſide, if Chriſt ſuffered the puniſhment of our ſins, therefore they ſhall ſuffer much more, who continue in ſin, for Chriſt ſuffered for the ſins of the whole world; but they ſuffer only for their own, and what they have deſerved themſelves.* To which I anſwer, that the argument is of very good force upon our *hypotheſis*, though it would not be upon theirs. For if we ſuppoſe him to be *a meer man* that ſuffered, then there could be no argument drawn from his ſufferings to ours, but according to the exact proportion of ſins and puniſhments: but ſuppoſing that he had a *divine* as well as *humane nature*, there may not be ſo great a proportion of the ſins of the world to the ſufferings of Chriſt, as of the ſins of a particular perſon to his own ſufferings; and therefore the argument from one to the other doth ſtill hold. For the meaſure of puniſhments muſt be taken with a proportion to the dignity of the perſon who ſuffers them. And *Crellius* himſelf confeſſeth elſewhere, *that the dignity of the perſon is to be conſidered in exemplary puniſhment, and that a leſſer puniſhment of one that is very great, may do much more to deter men from ſin, than a greater puniſhment of one much leſs.* But he yet

Crell. c. 8. ſect. 43.

Crell. c. 1. ſect. 57, 70.

yet further urgeth, *that the severity of God against sinners may be discovered in the sufferings of Christ, because God's hatred against sin is discovered therein.* But if we ask how God's hatred against sin is seen in the suffering of one perfectly innocent and free from sin, and not rather his hatred of innocency, if no respect to sin were had therein: he answers, *That God's hatred against sin was manifested, in that he would not spare his only Son to draw men off from sin.* For answer to which, we are to consider the sufferings of Christ as an innocent person, designed as an exemplary cause to draw men off from sin; and let any one tell me, what hatred of sin can possibly be discovered, in proposing the sufferings of a most innocent person to them without any consideration of sin as the cause of those sufferings? If it be said, *That the Doctrine of Christ was designed to draw men off from sin; and that God suffered his Son to die to confirm this Doctrine, and thereby shewed his hatred to sin.* I answer, 1. This is carrying the dispute off from the present business, for we are not now arguing about the design of Christ's Doctrine, nor the death of Christ as a means to confirm that, but as a παράδειγμα, and what power that hath without respect to our sins as the cause of them, to draw us from sin, by discovering God's hatred to it. 2. The Doctrine of Christ according to their *hypothesis*, discovers much less of God's hatred to sin than ours doth. For if God may pardon sin without any compensation made to his Laws or Honour, if Repentance be in its own nature a sufficient satisfaction for all the sins past of our Lives; if there be no such Justice in God which requires punishment of sin committed; if the punishment of sin depend barely upon God's will; and the most innocent person may suffer as much from God without respect to sin as the cause of suffering, as the most guilty; let any rational man judge whether this Doctrine discovers as much God's abhorrency of sin, as asserting the necessity of vindicating God's Honour to the World, upon the breach of his Laws, if not by the suffering of the offenders themselves, yet of the Son of God as a sacrifice for the expiation of sin, by undergoing the punishment of our iniquities, so as upon consideration of his sufferings, he is pleased to accept of Repentance and sincere Obedience, as the conditions upon which he will grant remission of Sins, and eternal life. So that if the discovery of God's hatred to sin be the means to reclaim men from it, we assert upon the former reasons, that much more is done upon our Doctrine concerning the sufferings of Christ, than can be upon theirs. So much shall suffice to manifest in what sense Christ's death may be a παράδειγμα, and that this doth imply, that his sufferings are to be considered as a punishment of sin.

Grotius his arguments from Christ's being made sin and a curse for us defended against *Crellius.*

XI. The next Series of places which makes Christ's sufferings to be a punishment for sin, are those which assert Christ to be made *sin and a curse for us*, which we now design to make clear, ought to be understood in no other sense, for as *Grotius* saith, "As the *Jews* sometimes use sin, for the punishment of sin; as appears, besides other places, by *Zach.* 14. 19. *Gen.* 4. 13. so they call him that suffers the punishment of sin; by the name of sin as the Latins use the word *Piaculum*, both for the fault, and for him that suffers for it. Thence under the Law, an expiatory Sacrifice for sin, was called sin, *Lev.* 4. 3. 29. 5, 6. *Psal.* 40. 7. Which way of speaking *Esaias* followed, speaking of Christ, *Isa.* 53. 10. תשים אשם נפשו he made his soul sin, *i. e.* liable to the punishment of it. To the same purpose St. *Paul*, 2 *Cor.* 5. 21.

" 5. 21. He made him to be sin for us, who knew no sin, that we " might be made the righteousness of God in him. To which *Crel-* *Crell. c. 1. sect. 60.*
" *lius* replies, That there is no necessity, that by the name of sin, " when applied to sufferings, any more should be implied, than that " those sufferings were occasioned by sin, no more is there when it is " applied to the person; nay, much less, for he saith, No more is " required to this, but that he should be handled as sinners use to be, " and undergo the matter of punishment, without any respect to sin, " either as the cause or occasion of it. So he saith, The name *Sinner* " is used, 1 *King.* 1. 21. and in St. *Paul*, the name of sin in the first " clause is to be understood, as of righteousness in the latter; and as " we are said to be righteousness in him, when God deals with us as " with righteous persons, so Christ was said to be sin for us, when " he was dealt with as a sinner. And the Sacrifices for sin under the " Law were so called, not with a respect to the punishment of sin, but " because they were offered upon the account of sin, and were used " for taking away the guilt of it, or because men were bound to " offer them, so that they sinned if they neglected it. So that all that " is meant by *Esaias* and St. *Paul* is, That Christ was made an expiato- " ry Sacrifice, or that he exposed himself for those afflictions which " sinners only by right undergo. But let *Crellius* or any others of them tell me, if the *Scripture* had intended to express, that the sufferings of Christ were a punishment of our sins, how was it possible to do it more emphatically than it is done by these Expressions (the custom of the *Hebrew* Language being considered) not only by saying, that *Christ did bear our sins*, but, *that himself was made sin for us?* those phrases being so commonly used for the punishment of sin. Let them produce any one instance in Scripture, where those expressions are applied to any without the consideration of sin: that place, 1 *King* 1. 21. is very far from it, for in all probability, the design of *Bathsheba* in making *Solomon King* was already discovered, which was the reason that *Adonijah* his elder Brother declaring himself *King*, invited not him with the rest of the *King's* Sons: All that she had for *Solomon's* Succession, was a secret promise and oath of *David*; and therefore she urgeth him now to *declare the Succession*, v. 20. *Otherwise*, she saith, *when David should die, I and my son Solomon shall be accounted offenders*; i. e. saith *Crellius*, *we shall be handled as offenders, we shall be destroyed:* But surely not without the supposition of a fault; by them which should inflict that punishment upon them: The plain meaning is, they should be accused of Treason, and then punished accordingly. But we are to consider, that still with a respect to them, who were the inflicters, a fault or sin is supposed as the reason of their punishment, either of their own or others. But of our Saviour it is not said, *That he should be counted as an offender by the Jews*; for although that doth not take away his innocency, yet it supposeth an accusation of something, which in it self deserves punishment. But in *Esai.* 53. 10. it is said, *He made his soul sin*; and 2 Cor. 5. 21. *That God made him sin for us*, which must therefore imply, not being dealt with by men only as a sinner, but that with a respect to him who inflicted the punishment, there was a consideration of sin as the reason of it. We do not deny but God's suffering him to be dealt with as a sinner by men, is implied in it, for that was the method of his punishment designed; but we say further, that the reason of that permission in God, doth suppose some antecedent

tecedent cauſe of it; For God would never have ſuffered his only Son, to be ſo dealt with by the hands of cruel men, unleſs he had made himſelf *an offering for ſin*; being willing to undergo thoſe ſufferings, that he might be an expiatory Sacrifice for the ſins of the world. And al-
Soc. l. 1. c. 8. though *Socinus* will not yield, *That by being made ſin for us ſhould be underſtood Chriſt's being an expiatory Sacrifice for ſin*; yet *Crellius* is contented *it ſhould be ſo taken in both places:* Which if he will grant, ſo as by vertue of that Sacrifice, the guilt of ſin is expiated, we ſhall not contend with him about the reaſons, why thoſe Sacrifices were called *ſins*, although the moſt proper and genuine muſt needs be that, which is aſſigned by the Law, that the ſins of the people were ſuppoſed to be laid upon them, and therefore they were intended for the expiation of them: But it is very unreaſonable to ſay, *That expiatory Sacrifices were called ſins, becauſe it would have been a ſin to neglect them:* For on the ſame account, all the other Sacrifices muſt have been called ſo too; for it was a ſin to neglect any where God required them, and ſo there had been no difference between Sacrifices for ſin and others. To that reaſon of *Crellius*, *from our being made righteous, becauſe dealt with as ſuch, to Chriſt's being made ſin only, becauſe dealt with as a ſinner*, we need no more than what this parallel will afford us; For as *Crellius* would never ſay, that any are dealt with as righteous perſons, who are not antecedently ſuppoſed to be ſo by his own Argument, Chriſt being dealt with *as a ſinner*, muſt ſuppoſe guilt antecedent to it; and ſince the Apoſtle declares it was not his own, in thoſe words, *Who knew no ſin*, it follows that it muſt be the conſideration of ours, which muſt make him be dealt with as a ſinner by him, who made him to be ſin for us. But to ſuppoſe that Chriſt ſhould be ſaid to be *made ſin*, without any reſpect *to ſin*, is as much as if the *Latins* ſhould call any one *Scelus*, and mean thereby a very honeſt man; or a *Piaculum*, without any ſuppoſition of his own or others guilt. But we are to conſider, that the ſufferings of Chriſt, ſeeming at firſt ſo inconſiſtent with that relation to God as his only Son, which the Apoſtles aſſert concerning him, they were obliged to vindicate his innocency, as to men, and yet withal to ſhew, that with a reſpect to God, there was ſufficient reaſon for his permiſſion of his undergoing theſe ſufferings. That *he knew no ſin*, was enough to clear his innocency as to men; but then the queſtion will be asked, If he were ſo innocent, why did God ſuffer all thoſe things to come upon him? Did not *Abraham* plead of old with
Gen. 18. 25. God, *That he would not ſlay the righteous with the wicked*, becauſe it was repugnant to the righteouſneſs of his nature to do ſo; *That be far from thee to do after this manner, to ſlay the righteous with the wicked, and that the righteous ſhould be as the wicked, that be far from thee; ſhall not the Judge of all the Earth do right?* How then comes God to ſuffer the moſt perfect innocency to be dealt with ſo, as the greateſt ſins could not have deſerved worſe from men? Was not his righteouſneſs the ſame ſtill? And *Abraham* did not think the diſtinction of *calamities* and *puniſhments*, enough to vindicate God's proceedings, if the righteous ſhould have been dealt withal as the wicked. And if that would hold for ſuch a meaſure of righteouſneſs as might be ſuppoſed in ſuch who were not guilty of the great Abominations of thoſe places, that it ſhould be enough, not only to deliver themſelves, but the wicked too; how comes it that the moſt perfect obedience of the Son of God, is not ſufficient to excuſe him from the greateſt ſufferings of Malefactors?

But

But if his ſufferings had been meerly from men, God had been accountable only for the bare permiſſion; but it is ſaid, that *he fore-ordained and determined theſe things to be*, that Chriſt himſelf complained, that *God had forſaken him*; and here, *that he made him ſin for us*: and can we imagine all this to be without any reſpect to the guilt of ſin, as the cauſe of it? Why ſhould ſuch an expreſſion be uſed of *being made ſin?* Might not many others have ſerved ſufficiently to declare the indignities and ſufferings he underwent, without ſuch a phraſe as ſeems to reflect upon Chriſt's innocency? If there had been no more in theſe expreſſions than our Adverſaries imagine, the Apoſtles were ſo careful of Chriſt's Honour, they would have avoided ſuch ill ſounding expreſſions as theſe were; and not have affected *Hebraiſms*, and uncouth forms of ſpeech, to the diſparagement of their Religion. But this is all which our Adverſaries have to ſay, where words are uſed by them out of their proper ſenſe, *That the Prophets and Apoſtles affected tricks of wit, playing with words, uſing them ſometimes in one ſenſe, and preſently quite in another.* So *Crellius* ſaith of *Iſaiah*, *That he affects little elegancies of words and verbal Alluſions, which makes him uſe words ſometimes out of their proper and natural ſenſe*; thence he tells us, *The ſufferings of Chriſt are called chaſtiſements, though they have nothing of the nature of chaſtiſements in them:* And from this liberty of interpreting, they make words (without any other reaſon, than that they ſerve for their purpoſe) be taken in ſeveral ſenſes in the ſame verſe: For *Socinus* in one verſe of St. *John*'s Goſpel, makes the *World* to be taken in three ſeveral ſenſes: *He was in the World*, there it is taken, ſaith he, for the men of the World in general: *The world was made by him*, there it muſt be underſtood only of the reformation of things by the Gopel: and, *the world knew him not*, there it muſt be taken in neither of the former ſenſes, but for the wicked of the world: What may not one make of the *Scripture*, by ſuch a way of interpreting it? But by this we have the leſs reaſon to wonder, that *Socinus* ſhould put ſuch an Interpretation upon *Gal.* 3. 13. *Chriſt hath redeemed us from the curſe of the Law, being made a curſe for us; for it is written, Curſed is every one that hangeth on a tree:* In which he doth acknowledge *by the curſe*, in the firſt clauſe, to be meant, *the puniſhment of ſin*, but not in the ſecond: And the reaſon he gives for it is, *amavit enim Paulus in execrationis verbo argutus eſſe.* St. *Paul* affected playing with the word *curſe*, underſtanding it firſt in a proper, and then a Metaphorical ſenſe. But it is plain that the deſign of St. *Paul* and *Socinus* are very different in theſe words: *Socinus* thinks he ſpeaks only Metaphorically, when he ſaith, that *Chriſt was made a curſe for us*; *i.e.* by a bare Alluſion of the name, without a correſpondency in the thing it ſelf; and ſo that the death of Chriſt might be called a curſe, but was not ſo: But St. *Paul* ſpeaks of this not by way of Extenuation, but to ſet forth the greatneſs and weight of the puniſhment he underwent for us. He therefore tells us, what it was which Chriſt did redeem us from, *The curſe of the Law*; and how he did it, *by being not only made a curſe but a curſe for us*; *i.e.* not by being hateful to God, or undergoing the very ſame curſe, which we ſhould have done; which are the two things objected by *Crellius* againſt our ſenſe; but that the death of Chriſt was to be conſidered, not as a bare ſeparation of ſoul and body, but as *properly pœnal*, being ſuch a kind of death, which none but *Malefactors* by the *Law* were to ſuffer; by the undergoing of which puniſhment in our

Crell. cap. 1. ſect. 57.

Socin. explicat 1. cap. Joh. v. 10.

Socin. de Chriſtoſervat. l. 2. c. 1.

ſtead,

ſtead, he redeemed us from that *curſe* which we were liable to by the violation of the Law of God. And there can be no reaſon to appropriate this *only to the Jews*, unleſs the death of Chriſt did extend only to the deliverance of them from the puniſhment of their ſins; or becauſe the curſe of the Law did make that death pœnal, and therefore the intention of the puniſhment, could reach no further than the Law did; but the Apoſtle in the very next words ſpeaks of the farther extenſion of *the great bleſſing promiſed to* Abraham, *That it ſhould come upon the Gentiles alſo*; and withal thoſe whom the Apoſtle ſpeaks to, were not *Jews*, but ſuch as thought they ought to joyn the Law and Goſpel together: that St. *Paul* doth not mean as *Crellius* would have it, *that Chriſt by his death did confirm the New Covenant, and ſo take away the obligation of the Law*; (for to what end was the *curſe* mentioned for that? What did the *accurſedneſs* of his death add to the confirmation of the truth of his Doctrine? And when was ever the curſe taken for the continuance of the Law of *Moſes?*) but that Chriſt by the efficacy of his death as a puniſhment for ſin hath redeemed all that believe and obey him from the curſe deſerved by their ſins, whether inforced by the *Law* of *Moſes*, or the Law written in their hearts, which tells the conſciences of ſinners, that ſuch who violate the Laws of God are worthy of death, and therefore under the curſe of the Law.

Crell. Antiſ. in loc.

The particles διὰ, περὶ, ὑπὲρ being joyned to ſins, and relating to ſufferings, do imply thoſe ſufferings to be the puniſhment of ſin.

XII. We come now to the force of the particles which being joyned with our ſins as referring to the death of Chriſt, do imply that his death is to be conſidered as a puniſhment of ſin. Not that we inſiſt on the force of thoſe Particles διὰ, περὶ and ὑπὲρ, as though of themſelves they did imply this (for we know they are of various ſignifications according to the nature of the matter they are joyned with) but that theſe being joyned with ſins and ſuffering together, do ſignifie that thoſe ſufferings are the puniſhment of thoſe ſins. Thus it is ſaid of Chriſt, that he died, διὰ τὰ παραπτώματα ἡμῶν, *for our ſins*, ὑπὲρ ἁμαρτιῶν ἡμῶν, *that he ſuffered once* περὶ ἁμαρτιῶν, *that he gave himſelf* περὶ ἁμαρτιῶν, *that he offered a Sacrifice* περὶ ἁμαρτιῶν. To which *Crellius* replies, "That if the force of theſe Particles not being joyned with ſufferings may be taken for the final and not for the impulſive cauſe, they may retain the ſame ſenſe when joyned with ſufferings, if thoſe ſufferings may be deſigned in order to an end; but if it ſhould be granted, that thoſe phraſes being joyned with ſufferings, do always imply a meritorious cauſe, yet it doth not follow, it ſhould be here ſo underſtood becauſe the matter will not bear it. To this a ſhort anſwer will at preſent ſerve: for, It is not poſſible a meritorious cauſe can be expreſſed more emphatically than by theſe words being joyned to ſufferings: ſo that we have as clear a Teſtimony from theſe expreſſions as words can give; and by the ſame arts by which theſe may be avoided any other might; ſo that it had not been poſſible for our Doctrine to have been expreſſed in ſuch a manner, but ſuch kind of anſwers might have been given as our Adverſaries now give. If it had been ſaid in the plaineſt terms, *that Chriſt's death was a puniſhment for our ſins*, they would as eaſily have avoided the force of them as they do of theſe; "they would have told us "the Apoſtles delighted in an Antanaclaſis, and had expreſſed things "different from the natural uſe of the words by them; and though "puniſhment were ſometimes uſed properly, yet here it muſt be uſed "only

Rom. 4. 25. 1 Cor. 15. 3. 1 Pet. 3. 18. Heb. 10. 12. *Crell. cap. 1. ſect. 6. Sect. 14. p. 17.*

" only metaphorically becauſe the matter would bear no other ſenſe. And therefore I commend the ingenuity of *Socinus* after all the pains he had taken to enervate the force of thoſe places which are brought againſt his Doctrine; he tells us plainly, " That if our Doctrine were " not only once, but frequently mentioned in Scripture? yet he would " not therefore believe the thing to be ſo as we ſuppoſe, For, *ſaith* " *he*, ſeeing the thing it ſelf cannot be, I take the leaſt inconvenient " interpretation of the words; and draw forth ſuch a ſenſe from them, " as is moſt conſiſtent with it ſelf and the tenor of the Scripture. But for all his talking of the tenor of the *Scripture*; by the ſame reaſon he interprets one place upon theſe terms, he will do many, and ſo the tenor of the *Scripture* ſhall be never againſt him: And by this we find, that the main ſtrength of our Adverſaries is not pretended to lie in the *Scriptures*; all the care they have of them is only to reconcile them if poſſible with their *Hypotheſis*; for they do not deny but that the natural force of the words doth imply what we contend for; but becauſe they ſay the Doctrine we aſſert is inconſiſtent with reaſon, therefore all their deſign is to find out any other poſſible meaning which they therefore aſſert to be true, becauſe more agreeable to the common reaſon of mankind. This therefore is enough for our preſent purpoſe, that if it had been the deſign of Scripture to have expreſſed our ſenſe, it could not have done it in plainer expreſſions than it hath done, that no expreſſions could have been uſed, but the ſame arts of our Adverſaries might have been uſed to take off their force, which they have uſed to thoſe we now urge againſt them, and that ſetting aſide the poſſibility of the thing, the Scripture doth very fairly deliver the Doctrine we contend for; or, ſuppoſing in point of reaſon there may be arguments enough to make it appear poſſible, there are *Scriptures* enough to make it appear true.

Socin. de ſervat. l. 3. c. 6.

CHAP. III.

I. *The words of Scripture being at laſt acknowledged by our Adverſaries to make for us, the only pretence remaining is, that our Doctrine is repugnant to reaſon. The debate managed upon point of reaſon. The grand difficulty enquired into, and manifeſted by our Adverſaries Confeſſions, not to lie in the greatneſs of Chriſt's ſufferings, or that our ſins were the impulſive cauſe of them, or that it is impoſſible that one ſhould be puniſhed for anothers faults: or in all caſes unjuſt.* II. *The caſes wherein* Crellius *allows it, inſtanced. From whence it is proved that he yields the main cauſe.* III. *The arguments propounded whereby he attempts to prove it unjuſt for Chriſt to be puniſhed for our ſins.* Crellius *his principles of the juſtice of puniſhments examined. Of the Relation between deſert and puniſhment.* IV. *That a perſon by his own conſent may be puniſhed beyond the deſert of his own actions.* V. *An anſwer to* Crellius *his Objections. What it is to ſuffer undeſervedly.* Crellius *his miſtake in the ſtate of the queſtion.* VI. *The inſtances of Scripture conſidered. In what ſenſe Children are puniſhed for their Parents ſins.* VII. Ezek. 18. 20. *explained at large.* VIII. *Whether the guilty being freed from the ſufferings of an innocent perſon makes that puniſhment unjuſt or no?*

no? Crellius *his ſhifts and evaſions in this matter diſcovered. Why among men the offenders are not freed in criminal matters though the ſureties be puniſhed. The releaſe of the party depends on the terms of the ſureties ſuffering, therefore deliverance not* ipſo facto. *No neceſſity of ſuch a tranſlation in criminal, as is in pecuniary matters.*

The matter debated in point of reaſon.

I. HAving gained ſo conſiderable conceſſions from our *Adverſaries* concerning the places of *Scripture*, we come now to debate the matter in point of reaſon. And if there appear to be nothing repugnant in the nature of the thing, or to the juſtice of God, then all their loud clamours will come to nothing; for on that they fix, when they talk the moſt of our Doctrine being contrary to reaſon. This therefore we now come more cloſely to examine, in order to which we muſt carefully enquire what it is they lay the charge of injuſtice in God upon, according to our belief of Chriſt's ſufferings being a puniſhment for our ſins.

1. It is not, *That the offenders themſelves do not undergo the full puniſhment of their ſins.* For they aſſert, that there is no neceſſity at all that the offenders ſhould be puniſhed from any punitive juſtice in God: for they eagerly contend that God may freely pardon the ſins of men: If ſo, then it can be no injuſtice in God not to puniſh the offenders according to the full deſert of their ſins.

2. It is not, *That God upon the ſufferings of Chriſt doth pardon the ſins of men:* For they yield that God may do this without any charge of injuſtice, and with the greateſt demonſtration of his kindneſs. For they acknowledge, that the ſufferings of Chriſt are not to be conſidered as a bare antecedent condition to pardon, but that they were a *moving cauſe* as far as the obedience of Chriſt in ſuffering was very acceptable to God.

3. It is not, *in the greatneſs or matter of the ſufferings of Chriſt.* For they aſſert the ſame which we do. And therefore I cannot but wonder to meet ſometimes with thoſe ſtrange outcrys *of our making God cruel in the puniſhing of his Son for us:* For what do we aſſert that Chriſt ſuffered, which they do not aſſert too? Nay, doth it not look much more like cruelty in God to lay thoſe ſufferings upon him without any conſideration of ſin? as upon their *Hypotheſis* he doth; than to do it ſuppoſing he bears the puniſhment of our iniquities, which is the thing we plead for. They aſſert all thoſe ſufferings to be lawful on the account of *God's dominion*, which according to them muſt ceaſe to be ſo on the ſuppoſition of a *meritorious cauſe.* But however from this it appears, that it was not unjuſt that Chriſt ſhould ſuffer thoſe things which he did for us: the queſtion then is, whether it were unjuſt that he ſhould ſuffer the ſame things, which he might lawfully do on the account of dominion with a reſpect to our ſins as the cauſe of them.

Certum eſt Chriſtum innocentiſſimum à Deo graviſſimis cruciatibus, ipſaque morte fuiſſe affectum; cum non in materiâ pœnæ abſolute & per ſe conſideratâ, adeoque etiam in eâ afflictione à quâ pœnæ forma abeſt, injuria reſidere à nobis dicatur. Crel. c. 4. Sect. 3. *Potuit autem id Deus facere, atque adeo fecit, jure dominii, quod in Chriſti vitam ac corpus habebat; accedente præſertim ipſius Chriſti conſenſu.* Id. Ib. Sect. 4.

4. As to this, they acknowledge, that it is not, *that the ſufferings of Chriſt were occaſioned by our ſins*, or that our ſins were the bare *impulſive cauſe* of thoſe ſufferings. For they both confeſs in general, that one mans ſins may be the occaſion of anothers puniſhment, ſo far that he might have eſcaped puniſhment, if the others ſins had not been the *impulſive cauſe* of it. And therefore *Crellius* in the general ſtate of this que-

queſtion, would not have it, *whether it be unjuſt to puniſh one for anothers ſins*; for that he acknowledges it is not, but whether, *for any cauſe whatſoever it be juſt to puniſh an innocent perſon?* And likewiſe in particular of Chriſt, they confeſs, *that our ſins were the impulſive cauſe, and the occaſion of his ſufferings.*

Quod ſi ex theſi ſpeciale facere velis generalem, ea hæc erit, injuſtum eſſe punire innocentem, quacunque tandem de cauſâ id fiat; non vero ſimpliciter, punire quempiam ob aliena delicta; id enim concedi poteſt non ſemper eſſe injuſtum. Crel. c. 4. Sect. 3.

5. It is not, *that there is ſo neceſſary a relation between guilt and puniſhment, that it cannot be called a puniſhment which is inflicted on an innocent perſon.* For *Crellius*, after a long diſcourſe of the difference of afflictions and puniſhments, doth acknowledge, "That "it is not of the nature of puniſhment, that the perſon who is to "be puniſhed, ſhould really deſerve the puniſhment; *and afterwards* "*when* Grotius *urgeth*, though it be eſſential to puniſhment, that it be "inflicted for ſin, yet it is not, that it be inflicted upon him who hath "himſelf ſinned, *which he ſhews* by the ſimilitude of rewards, which "though neceſſary to be given in conſideration of ſervice, may yet be "given to others beſides the perſon himſelf upon his account. All this *Crellius* acknowledgeth; who ſaith, "They do not make it neceſſary to "the nature, but to the juſtice of puniſhment, that it be inflicted upon "none but the perſon who hath offended. *So by his own Confeſſion*, it is not againſt the nature of puniſhment, that no one man ſuffer for anothers faults. From whence it follows, that all *Socinus* his arguments ſignifie nothing, which are drawn from the impoſſibility of the thing, *that one man ſhould be puniſhed for anothers faults*; for *Crellius* grants the thing to be poſſible, but denies it to be juſt; yet not abſolutely neither, but with ſome reſtrictions and limitations. For,

Cum ne illud quidem ad naturam pœnæ requiratur ut is ipſe, qui puniendus eſt pœnam reverâ fuerit commeritus, Id. Sect. 5.

Pœna quidem ſimpliciter in innocentem cadit, juſta non cadit, Crell. c. 4. Sect. 28.

II. 6. It is not, *but that there may be ſufficient cauſes aſſigned in ſome particular caſes; wherein it may be juſt for God to puniſh ſome for the ſins of others.* For *Crellius* himſelf hath aſſigned divers. "When "there is ſuch a near conjunction between them, that one may be "ſaid to be puniſhed in the puniſhment of another: as Parents in "their Children and Poſterity, Kings in their Subjects, or the body "of a State in its Members, either in the moſt, or the moſt principal, "though the feweſt: but we are to conſider how far he doth extend "this way of puniſhment of ſome in others. 1. *At the greateſt diſtance of time, if they have been of the ſame Nation*; for he extends it to the utmoſt degree of God's patience towards a people; "For, *ſaith he*, "God doth not preſently puniſh as ſoon as they have ſinned; but "ſpares for a great while, and forbears, in expectation of their Repen- "tance, in the mean while a great many guilty perſons die, and ſeem to "have eſcaped puniſhment. But at laſt the time of God's patience being "paſt, he puniſheth their Poſterity by exacting the full puniſhment of "their ſins upon them, and by this means puniſheth their Anceſtors too, "and puniſheth their ſins in their puniſhment; for, *ſaith he*, all that "people are reckoned for one man of ſeveral Ages, and that puniſhment "which is taken of the laſt, may be for the ſins of the firſt, for the con- "junction and ſucceſſion of them: of which we have an example, *ſaith* "*he*, in the deſtruction of *Jeruſalem*. By which we ſee a very remote Conjunction, and a mere ſimilitude in comparing ſucceſſion of Ages in people with thoſe in a man, may (when occaſion ſerves) be made uſe of to juſtifie God's puniſhing one Generation of men for the ſins of others that have been long before. 2. *When ſins are more ſecret or leſs remarkable*

In what caſes *Crellius* grants ſome may be lawfully puniſhed for the ſins of others.

Quia Deus hunc puniendo illum quoque alterum ob cujus peccati eum dicitur punire, ſimul punire poſſit, ob aliorem quæ inter illos intercedat conjunctionem. Crell. ib. Sect. 5. *Crell.* p. 247.

able which God might not punish, unless an occasion were given from others sins impelling him to it; but because God would punish one very near them, he therefore punisheth them, that in their punishment he might punish the other. Or in case sins spread through a Family or a people, or they are committed by divers persons at sundry times, which God doth not severely punish, but sometimes then, when the Head of a People or Family hath done something which remarkably deserves punishment, whom he will punish in those he is related to, and therefore generally punisheth the whole Family or People. 3. *That which may be a meer exercise of dominion as to some, may be a proper punishment to others*; as in the case of *Infants*, being taken away for their *Parents* sins; *For God, as to the Children*, he saith, *useth only an act of dominion, but the punishment only redounds to the Parents, who lose them*; *and though this be done for the very end of punishment*, yet he denies, *that it hath the nature of Punishment in any but the Parents*. 4. *That punishment may be intended for those who can have no sense at all of it*; as *Crellius* asserts in the case of *Saul's Sons*, 2 Sam. 21. 8, 14. that the punishment was mainly intended for *Saul*, who was already dead. From these concessions of *Crellius* in this case, we may take notice, 1. That a remote conjunction may be sufficient for a translation of penalty, *viz.* from one Generation to another. 2. That sins may be truly said to be punished in others, when the offenders themselves may escape punishment, thus the sins of Parents in their Children, and Princes in their Subjects. 3. That an act of dominion in some may be designed as a proper punishment to others. 4. That the nature of punishment is not to be measured by the sense of it. Now upon these concessions, though our Adversaries will not grant, that Christ was properly punished for our sins, yet they cannot deny but that we may very properly be said to be *punished* for our sins in *Christ*, and if they will yield us this, the other may be a strife about words. For surely there may be easily imagined as great a conjunction between Christ and us, as between the several Generations of the *Jews*, and that last which was punished in the destruction of *Jerusalem*: And though we escape that punishment which Christ did undergo, yet we might have our sins punished in him, as well as Princes theirs in their Subjects, when they escape themselves; or rather as Subjects in an innocent Prince, who may suffer for the faults of his people; if it be said, *that these are acts of meer dominion as to such a one*, that nothing hinders but granting it, yet our sins may be said to be punished in him; as well as Parents sins are punished properly in meer acts of dominion upon their Children; if it be said, *that can be no punishment where there is no sense at all of it*, that is fully taken off by *Crellius*; for surely we have as great a sense of the sufferings of Christ, as the first Generation of the *Jews* had of the sufferings of the last, before the fatal destruction of the City, or as *Saul* had of the punishment of his Sons after his death. So that from *Crellius* his own concessions, we have proved, that *our sins may very properly be said to be punished in Christ*, although he will not say, that Christ could be properly punished for our sins; nay he and the rest of our Adversaries not only deny it, but earnestly contend, that it is very unjust to suppose it, and repugnant to the rectitude of God's nature to do it.

Crell. ib. sect. 11. *sect.* 19.

Crellius his arguments propounded.

III. And so we come to consider the mighty arguments that are insisted on for the proof of this, which may be reduced to these three; *viz.* 1. *That there can be no punishment but what is deserved, but no man*

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can deserve that another should be punished. 2. *That punishment flows from Revenge, but there can be no Revenge where there hath been no fault.* 3. *That the punishment of one, cannot any ways be made the punishment of another; and in case it be supposed possible, then those in whose stead the other is punished, must be actually delivered upon the payment of that Debt which was owing to God.*

1. *That one man cannot deserve anothers punishment*, and therefore one cannot be punished for another; for there is no just punishment, but what is deserved. This being the main Argument insisted on by *Crellius*, must be more carefully considered; but before an answer be made to it, it is necessary that a clear account be given in what sense it is he understands it, which will be best done, by laying down his principles, as to the justice of punishment, in a more distinct method than himself hath done; which are these following: 1. That no person can be justly punished, either for his own or anothers faults, but he that hath deserved to be punished by some sin of his own: For he still asserts, "That the justice of punishment ariseth from a mans own "fault, though the actual punishment may be from anothers: But he "that is punished without respect to his own guilt, is punished undeservedly; and he that is punished undeservedly, is punished unjustly. 2. That personal guilt being supposed one man's sin may be the *impulsive cause* of another's punishment, but they cannot be the *meritorious*. The difference between them he thus explains, "The cause "is that which makes a thing to be; the impulsive, that which moves "one to do a thing, without any consideration of right that one hath "to do it: Merit, is that which makes a man worthy of a thing, ei"ther good or bad, and so gives a right to it; if it be good, to him"self; if bad, to him at whose hands he hath deserved it. Now he tells us, that it is impossible, "That one mans sins should make any "other deserve punishment, but the person who committed them; but "they may impel one to punish another, and that justly, if the person "hath otherwise deserved to be punished, unjustly, if he hath not. The reason he gives of it is, "That the vitiosity of the act, which "is the proper cause of punishment, cannot go beyond the person of "the offender; and therefore can oblige none to punishment, but him "that hath committed the fault. And therefore he asserts, "That no "man can be justly punished beyond the desert of his own sins, but "there may sometimes be a double impulsive cause of that punish"ment; *viz.* His own and other mens, whereof one made that they "might be justly punished, the other that they should be actually: "But the latter, *he saith*, always supposeth the former, as the foun"dation of just punishment; so that no part of punishment could be "executed upon him, wherein his own sins were not supposed as the "meritorious cause of it. These are his two main principles which we must now throughly examine, the main force of his Book lying in them. But if we can prove that it hath been generally received by the consent of mankind, that a person may be punished beyond the desert of his own actions; if God hath justly punished some for the sins of others, and there be no injustice in one mans suffering by his own consent for another, then these principles of *Crellius* will be found not so firm as he imagines them.

Crell. c. 4. sect. 3. p. 239, 240.

Crell. ib. sect. 18.

That a person by his own consent may be punished beyond the desert of his own actions.

IV. 1. That it hath been generally received by the consent of mankind, that a person may be justly punished beyond the desert of his own

Grot. de Satisf. c. 4.

own actions. For which purpose *Grotius* objected against *Socinus* (who appealed to the consent of Nations, about one being punished for anothers fault) "That the Heathens did agree, that Children might be "punished for their Parents faults, and People for their Princes, and "that corporal punishment might be born by one for another, did ap-"pear by the *Persians* punishing the whole family for the fault of one. "The *Macedonians* the near kindred in the case of Treason; some Ci-"ties of *Greece*, destroying the Children of Tyrants together with "them; in all which, the mere conjunction was supposed a sufficient "reason without consent; but in case of consent, *he saith*, They all "agreed in the Justice of some being punished for the faults of o-"thers. Thence the right of killing hostages among the most civili-"zed nations; and of sureties being punished in capital matters, if the "guilty appear not, who were thence called ἀντίψυχοι, who were bound "to answer body for body. In which cases, the punishment did ex-tend beyond the desert of the person who suffered it; for no other reason is assigned of these sufferings, besides the conjunction of the person, or his consent; but no antecedent guilt is supposed as necessary, to make the punishment just. We are now to consider what *Crellius* doth answer to this: 1. As to their acknowledgments of God's punishing Children for their Parents faults, he gives the same answer which he doth to the examples recorded in *Scripture* to that purpose, *That either they were punished for the sins of others, but their own sins deserved the punishment; or that the Parents were punished in the Children, but the Children were not properly punished.* 2. As to punishments among men, he answers two things; 1. That such persons were truly "pu-*Crell. c. 4. sect. 5. p. 244.* "nished, but not justly: For he acknowledges, That in such a case it "is a proper punishment, and that it is enough in order to that, that "any fault be charged upon a person, whether his own or anothers, "whether true or false, on the account of which he is supposed wor-"thy to be punished: And that such a conjunction is sufficient for cru-"el, angry, or imprudent men: for where-ever there is a place, *saith* "*he*, for anger, there is likewise for punishment. So that he confes-seth, there may be *a true punishment*, and that which answers all the reason and ends of punishment assigned by him where there is *no desert* at all of it in the person who undergoes it. But then he adds, *that this is an unjust punishment*, to which I reply, That then the reason of punishment assigned by *Crellius* before is insufficient; for if this answers all the ends of punishments assigned by him, and yet be unjust, then it necessarily follows, that those ends of punishment are consistent with the greatest injustice. For he before made punishment to have a natural respect to anger, and makes the ordinary end of punishment to be a satisfaction of the desire of Revenge in men, yet now grants, that these may be in an unjust punishment. Neither can it be said, *that he considered punishment only naturally, and not morally*; for he tells us, that *this is the nature of divine punishments*, which are therefore just, because designed for these ends; but in case there be no supposal of a fault at all, then he denies that it is a punishment, but only an Affliction, and an exercise of dominion. So that according to him, where-ever there is a proper punishment, it must be just, when-ever God doth punish men: And the only difference between God and man supposable in this case is, that we have assurance God will never use his dominion unjustly; but that men do so when they make one to suffer for a-

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nothers fault, notwithſtanding a conſent and conjunction between the man that committed the fault, and the perſon that ſuffers for him. But this is begging the thing in queſtion, for we are debating, whether it be an unlawful exerciſe of power or no? For we have this preſumption, that it is not unlawful, becauſe it may anſwer all the ends of puniſhments, and what way can we better judge, whether a puniſhment be juſt or no, than by that?

V. But we are to conſider, that we do not here take the perſon we ſpeak of, abſtractly *as an innocent perſon*, for then there is no queſtion, but anger and puniſhment is of one as ſuch unjuſt; but of an innocent perſon as ſuppoſed under an obligation by his own conſent to ſuffer for another. And in this caſe we aſſert, ſince according to *Crellius* the natural and proper ends of puniſhments may be obtained, and the conſent of the perſon takes away the wrong done to him in the matter of his ſufferings, ſo far as he hath power over himſelf, that ſuch a puniſhment is not unjuſt. For if it be, it muſt ſuppoſe ſome *injury* to be done; but in this caſe let them aſſign where the injury lies; it cannot be to the *publick*, if the ends of puniſhments may be obtained by ſuch a ſuffering of one for another by a valid conſent of the ſuffering party, it cannot be to the *perſon* in *whoſe room* the other ſuffers, for what injury is that to eſcape puniſhment by anothers ſuffering; it cannot be to *the ſuffering perſon*, ſuppoſing that to be true, which the Heathens ſtill ſuppoſed, *viz.* that every man had a power over his own life. If it be ſaid ſtill, that the injuſtice lies in this; *that ſuch a one ſuffers undeſervedly, and therefore unjuſtly.* I anſwer; if be meant by *undeſervedly* without *ſufficient cauſe* or *reaſon* of puniſhment, then we deny that ſuch a one doth ſuffer *undeſervedly*. *Immerito* in the *Greek Gloſſes* is rendred by Ἀλόγως, and *Merito* by εἰκότως and εὐλόγως, and in *Cicero*, *jure & merito*, are moſt commonly joyned together. So that where there is a right to puniſh, and ſufficient reaſon for it, ſuch a one doth not ſuffer *immerito*, i. e. *undeſervedly*. If it be ſaid, *that ſuch a one is not dignus pœna*, that implies no more than the other, for *dignus*, or as the Ancients writ it *dicnus*, comes from the *Greek* δίκη *jus*, as *Voſſius* tells us, *ut dignus ſit cui tribui aliquid æquum eſt:* So that where there is an equity in the thing, there is a dignity in the perſon, or he may be ſaid to be *worthy* to undergo it. *But doth not this lay open the greateſt innocency to as great a deſert of ſufferings, as the higheſt guilt?* By no means. For we make a liableneſs to puniſhment, the natural conſequent of guilt: And he that hath committed a fault, cannot but *deſerve* to be puniſhed, ſo that no ſufferings of others can take away the natural conſequence of a bad action, which is a *deſert of puniſhment*: So that as we ſay, a wicked action cannot but deſerve to be puniſhed, *i. e.* there is an agreeableneſs, in reaſon and nature, that he who hath done ill, ſhould ſuffer ill; ſo we ſay likewiſe there is neceſſity in nature and reaſon, that he that hath thus deſerved it, muſt unavoidably ſuffer it. And on the other ſide, we ſay, *no man by his innocency can deſerve to be puniſhed*, i. e. no man's innocency makes him by virtue of that obnoxious to puniſhment; but yet we add, that *notwithſtanding his innocency*, the Circumſtances may be ſuch that he may be *juſtly* puniſhed, and in that ſenſe *deſervedly*. So that the Queſtion is ſtrangely miſtaken, when it is thus put, *Whether an innocent perſon conſidered as ſuch, may be juſtly puniſhed*; for no one aſſerts that, or is bound to do it; but the true queſtion is, *whether a perſon notwithſtanding his innocency may not by ſome act of his own will*

Objections anſwered.

Immerito quenquam punire eſt injuſtè punire. Crell. p. 240.

will oblige himself to undergo that punishment which otherwise he did not deserve? Which punishment, in that case is just and agreeable to reason. And this is that which we assert and plead for. So that innocency here is not considered any other ways, than whether that alone makes it an unlawful punishment, which otherwise would be lawful, *i. e.* whether the Magistrate in such cases, where substitution is admittable by the Laws of Nations (as in the cases we are now upon) be bound to regard any more than that the obligation to punishment now lies upon the person who by his own act hath substituted himself in the others room; and if he proceeds upon this, his action is justifiable and agreeable to reason. If it be said, *that the substitution is unjust, unless the substituted person hath before-hand deserved to be punished*; it is easily answered, that this makes not the matter at all clearer; for either the person is punished for the former fault, and then there is no substitution; or if he be punished by way of substitution; then there is no regard at all had to his former fault, and so it is all one as if he were perfectly innocent.

The instances of Scripture considered.

VI. And by this *Crellius* his answer to the instances both in *Scripture* and elsewhere concerning Childrens being punished for their Parents faults, will appear to be insufficient, *viz.* "That God doth never pu-"nish them for their Parents faults beyond the desert of their own "sins, and therefore no argument can be drawn from thence, that God "may punish an innocent person for the sins of others, because he "hath punished some for what they were innocent: For the force of the argument doth not lie in the supposition of their innocency, as to the ground of punishment in general, for we do not deny, but that they may deserve to be punished for their own faults: But the argument lies in this, whether their own guilt were then considered as the reason of punishment, when God did punish them for their fathers faults? And whether they by their own sins did deserve to be punished not only with the punishment due to their own Miscarriages, but with the punishment due to their fathers too? If not, then some persons are justly punished, who have not deserved that punishment they undergo; if they did deserve it, then one person may deserve to be punished for anothers sins. If it be said, as it is by *Crellius*, *that his own sins make him capable of punishment, and God by occasion of others sins doth execute that punishment, which he might not have done for his own.* I answer, we are not enquiring into the bare Capacity of punishing, but into the reason of it: Was the reason of punishment his own or his Fathers sins? If his own, then he was punished only for his own sins? If his Fathers, then the punishment may be just which is inflicted without consideration of proper *desert* of it; *for no man* (say they) *can deserve to be punished, but for his own sins.* But it's said, *that the sins of Fathers are only an impulsive cause for God to punish the Children according to the desert of their own sins which he might otherwise have forborn to punish.* Then the sins of the Fathers are no *reason* why the Children should be punished; but their own sins are the *reason*, and their Fathers the *bare occasion* of being punished for them. But in *Scripture*, the *reason* of punishment is drawn from the *Fathers sins*, and not from the *Childrens*: For then the words would have run thus, *if the Children sin, and deserve punishment by their own iniquities, then I will take occasion from their Fathers sins, to visit their own iniquities upon them:* Whereas the words refer to the *Fathers sins* as the reason of the *Childrens*

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punishment. So in the words of the Law, wherein the reason of punishment ought to be most expressly assigned, it is not, I will certainly punish the Children, if they continue in the Idolatry of their Fathers; but, *I will visit the sins of the Fathers upon the Children, unto the third and fourth Generation of them that hate me.* Exod. 20. 3. If it were only because of *Imitation* of the Fathers sins by the Children, there could be no reason for the limitation to the third and fourth Generation; for then the reason of punishment would be as long as the *Imitation* continued, whether to the fourth or tenth Generation: And as *Alphonsus à Castro* observes, "If the reason of punishment were the Imitation "of their Fathers sins, then the Children were not punished for their "Fathers sins, but for their own; for that Imitation was a sin of their "own, and not of their Fathers. Besides, if the proper reason of punishment were the sins of the Children, and the Fathers sins only the occasion of it, then where it is mentioned that Children are punished for their Parents sins, the Childrens *sins* should have been particularly expressed, as the proper *cause* of the punishment: But no other reason is assigned in the Law, but the sins of the *Fathers*, no other cause mentioned of *Canaan*'s punishment, but his Father's sin; nor of the punishment of the people in *David*'s time, but his own sin; *Lo, I have sinned, and I have done wickedly, but these sheep, what have they done?* Which is no hyperbolical Expression, but the assigning the proper *cause* of that judgment to have been his *own sin*, as the whole Chapter declares: Nor, *of the hanging up of* Saul's *Sons by the* Gibeonites, but, *that* Saul *their Father had plotted their destruction.* And in an instance more remarkable than any of those which *Crellius* answers; *viz.* the punishment of the people of *Judah*, for the sins of *Manasses* in the time of *Josias*; when a through Reformation was designed among them, the Prince being very good, and all the places of Idolatry destroyed, such a Passover kept as had not been kept before in the time of any King in *Israel*, yet it then follows, *Notwithstanding the Lord turned not from the fierceness of his great wrath, wherewith his anger was kindled against Judah, because of all the provocations wherewith Manasses had provoked him withal.* Who can say here, that the sins of *Manasseh* were only the *occasion* of God punishing the people in the time of *Josias* for their own sins, when their sins were much less in the time of *Josias*, than in any time mentioned before, after their lapse into *Idolatry?* Nay, it is expressly said, *That Josiah took away all the abominations out of all the countries that pertained to the Children of Israel, and made all that were present in Israel to serve, even to serve the Lord their God. And all his days they parted not from following the Lord God of their Fathers:* To say, that this was done in *Hypocrisie*, and bare outward compliance, is to speak without Book; and if the reason of so severe punishments had been their Hypocrisie, that ought to have been mentioned; but not only here, but afterwards it is said, that the reason of God's destroying *Judah*, was *for the sins of Manasseh*; *viz.* his Idolatries and Murther, which it is said, *the Lord will not pardon.* And if he would not pardon, then he did punish for those sins, not barely as the *occasion*, but as the *meritorious cause* of that punishment. What shall we say then? Did the people in *Josiah*'s time, deserve to be punished for the sins of *Manasseh*, Grandfather to *Josiah?* Or was God so highly provoked with those sins, that although he did not punish *Manasseh* himself upon his Repentance, yet he would let the world see how much he abhorred

Alph. à Castro de justâ hæret. punit. l. 2. c. 10.

Gen. 9. 25. 2 Sam. 24. 17.

2 Sam. 21. 5.

2 Kin. 23. v. 4 to v. 21.

Vers. 22. Vers. 26.

2 Chron. 34. 33.

2 Sam. 24. 3, 4.

them, by puniſhing thoſe ſins upon the people afterwards; although according to the uſual proportion of ſins and puniſhments, the ſins of the people in that age did not exceed the ſins of other ages, as much as the puniſhments they ſuffered, did exceed the puniſhments of other ages: which is neceſſary according to *Crellius* his Doctrine; for if God never puniſheth by occaſion of their Fathers ſins, the Children beyond the *deſert* of their own *ſins*; then it is neceſſary, that where judgments are remarkably greater, the ſins muſt be ſo too; the contrary to which is plain in this inſtance. By which we ſee, that it is not contrary to the Juſtice of God in puniſhing, to make the puniſhment of ſome on the account of others ſins, to exceed the *deſert* of their own: meaſuring that *deſert*, not in a way common to all ſin, but when the *deſert* of ſome ſins is compared with the deſert of others: For it is of this latter we ſpeak of, and of the method which God uſeth in puniſhing ſin here, for the demonſtration of his hatred of it, according to which the greateſt puniſhments muſt ſuppoſe the greateſt ſins, either of their own, or others which they ſuffer for.

Exek. 18. 20. explained. Ezek. 18. 4. 20.

VII. But *hath not God declared, That he will never puniſh the Children for the Fathers ſins? For the ſoul that ſinneth it ſhall die; the Son ſhall not bear the iniquity of the Father*, &c. To which I anſwer, Theſe words are to be conſidered, as an anſwer to a complaint made by the *Jews*, ſoon after their going into Captivity, which they imputed to God's ſeverity in puniſhing them for their Fathers ſins. Now the complaint was either true or falſe; if it were true, then though this was looked upon as great ſeverity in God, yet it was no injuſtice in him; for though God may act ſeverely, he cannot act unjuſtly: If it was falſe, then the anſwer had been an abſolute denial of it, as a thing repugnant to the Juſtice of God. Which we do not find here, but that God ſaith unto them, *v.* 3. *Ye ſhall not have occaſion any more to uſe this Proverb in* Iſrael: If the thing had been plainly unjuſt, which they complained of, he would have told them, they never had occaſion to uſe it. But we find the *Prophets* telling them before-hand, that they ſhould ſuffer for their Fathers ſins, *Jer.* 15. 3, 4. where he threatens them with deſtruction and baniſhment, becauſe of the *ſins of Manaſſeh in Jeruſalem*; and in the beginning of the captivity they complain of this, *Lam.* 5. 7. *Our Fathers have ſinned, and are not, and we have born their iniquities.* And *Jer.* 31. 28. *God* ſaith by the *Prophet, that he had watched over them to pluck up, and to pull down, and to deſtroy, and to afflict: But that he would watch over them to build, and to plant,* Jer. 31. 29. 30. *and in thoſe days they ſhall ſay no more, the Fathers have eaten ſowre grapes and the Childrens teeth are ſet on edge; but every one ſhall die for his own iniquity.* Which place is exactly parallel with this in *Ezekiel*, and gives us a clear account of it, which is, that now indeed God had dealt very ſeverely with them, by making them ſuffer beyond what in the ordinary courſe of his providence their ſins had deſerved; but he puniſhed them not only for their own ſins, but the ſins of their *Fathers*: But leſt they ſhould think, they ſhould be utterly conſumed for their iniquities, and be no longer a people enjoying the Land which *God* had promiſed them, he tells them by the *Prophets*, though they had ſmarted ſo much, by reaſon of their *Fathers* ſins, this ſeverity ſhould not always continue upon them; but that God would viſit them with his kindneſs again, and would plant them in their own Land, then they

ſhould

ſhould ſee no reaſon to continue this Proverb among them, for they would then find, *Though their Fathers had eaten ſowre grapes, their teeth ſhould not be always ſet on edge with it.* And if we obſerve it, the occaſion of the *Proverb*, was concerning the *Land of Iſrael*, על אדמת ישראל *ſupra terra Iſrael*, as the *Chaldee Paraphraſt* renders it more agreeable to the *Hebrew*, than the other Verſions do. So that the *Land of Iſrael* was the occaſion of the *Proverb*, by their being baniſhed out of it for their Fathers ſins. Now God tells them, they ſhould have no more occaſion to uſe this Proverb concerning the *Land of Iſrael*; for they, notwithſtanding their Fathers ſins, ſhould return into their own *Land*. And even during the continuance of their Captivity, they ſhould not undergo ſuch great ſeverities for the future, but they ſhould find their Condition much more tolerable than they imagined; only, if any were guilty of greater ſins than others, they ſhould themſelves ſuffer for their own faults, but he would not puniſh the whole Nation for them or their own Poſterity. This I take to be the genuine meaning of this place; and I the rather embrace it, becauſe I find ſuch inſuperable difficulties in other Interpretations that are given of it: For to ſay as our Adverſaries do, *That what God ſaith, ſhould not be for the future, was repugnant to his nature and juſtice ever to do*, is to charge God plainly with injuſtice in what he had done: For the *Prophets* told them they ſhould ſuffer for the ſins of their *Fathers:* Which ſufferings were the ground of their complaint now, and the anſwer here given muſt relate to the occaſion of the complaint; for God ſaith, *They ſhould not have occaſion to uſe that Proverb:* Wherein is implyed, they ſhould not have the ſame reaſon to complain which they had then. I demand then, Do not theſe words imply, that God would not do for the future with them, what he had done before; if not, the proper anſwer had been a plain denial, and not a promiſe for the future he would not; if they do, then either *God* properly puniſhed them for the ſins of their *Fathers*, and then God muſt be *unjuſt* in doing ſo, or it was juſt with *God* to do it, and ſo this place inſtead of overthrowing will prove, that ſome may be juſtly puniſhed, beyond the deſert of their own ſins: or elſe, *God did only take occaſion by their Fathers ſins, to puniſh them according to the deſert of their own iniquities:* But then they had no cauſe to complain, that they were puniſhed for any more than their own iniquities; and withal, then God doth oblige himſelf by his promiſe here, never to puniſh men for the future *by the occaſion of others ſins:* Which is not only contrary to their own Doctrine, but to what is plainly ſeen afterwards in the puniſhment of the *Jews* for their *Fathers ſins*, mentioned by our *Saviour* after this: And if this be a certain rule of equity which God here ſaith, that he would never vary from, then the puniſhing of ſome on the occaſion of others ſins, would be as unjuſt, as our *Adverſaries* ſuppoſe the puniſhing any beyond the deſert of their own ſins to be. *But it is not implyed, that Gods ways would be unequal, if he ever did otherwiſe than he there ſaid he would do?* No, it is not, if by *equal* he meant *juſt*, for his ways never were, or can ſo unequal; but here if it be taken with a reſpect to the main diſpute of the Chapter, no more is implied in them, but that they judged amiſs concerning God's Actions, and that they were *juſt*, when they thought them not to be ſo: or if at leaſt they thought his ways very ſevere, though juſt, God by remitting of this ſeverity, would ſhew that he was not only *juſt*, but *kind*; and ſo they would find his ways

Ezek. 18. 2.

Mat. 23. 35.

Ezek. 18. 25.

equal, that is, always agreeable to themſelves, and ending in *kindneſs* to them, though they hitherto were ſo ſevere towards them in their baniſhment and Captivity. Or if they be taken with a reſpect to the immediate occaſion of them both, *Ezek.* 18.——33. They do not re-
Ezek. 33. 20. late to this diſpute about *Childrens ſuffering for their Fathers ſins*; but to another, which was concerning a righteous mans ſinning and dying in his ſins, and a wicked mans repenting, and living in his righteouſneſs; which were directly contrary to the common opinion of the *Jews* to this day, which is, that God will judge men according to the greateſt number of their Actions good or bad: As appears by *Maimonides* and others. Now they thought it a very hard caſe, for a man who had been righteous the far greateſt part of his time, if he did at laſt commit iniquity, that his former righteouſneſs ſhould ſignifie nothing, but he muſt die in his iniquity. To this therefore God anſwers, that it was only the inequality of their own ways, which made them think God's ways in doing ſo unequal. This then doth not make it unequal, for God either to puniſh men, upon the occaſion, or by the deſert of other mens ſins, ſuppoſing ſuch a conjunction between them, as there is in the ſame body of people, to thoſe who went before
Crell. c. 4. ſect. 15. them. And *Crellius* himſelf grants, " That *Socinus* never intended " to prove, that one mans ſuffering for anothers ſins was unjuſt in it " ſelf, from this place: No, not though we take it in the ſtricteſt ſenſe, " for one ſuffering in the ſtead of another.

The deliverance of the guilty by the ſufferings of an innocent perſon by his own conſent, makes not the puniſhment unjuſt.

VIII. Having thus far declared, how far it is agreeable to God's Juſtice to puniſh any perſons either by reaſon of his dominion, or the conjunction of perſons, for the ſins of others, and conſequently whether any puniſhment may be undergone juſtly beyond the proper deſert of their own ſins, I now return to *the conſent of Mankind* in it, on ſuppoſition either of a near conjunction, or a valid conſent which muſt make up the want of dominion in men without it. And the queſtion ſtill proceeds upon the ſuppoſition of thoſe things, that there be a proper dominion in men over that which they part with for others ſakes, and that they do it by their free conſent; and then we juſtifie it not to be repugnant to the principles of Reaſon and Juſtice, for any to ſuffer beyond the *deſert* of their actions. And *Crellius* his ſaying, that ſuch a puniſhment is true puniſhment, but not juſt, is no anſwer at all to the conſent of Nations that it is ſo. And therefore finding this anſwer inſufficient; he relies upon another, *viz.* " That it was never
Crell. c. 4. ſect. 30, 32. 34, *&c.* " received by the conſent of Nations, that one man ſhould ſuffer in " the ſtead of another, ſo as the guilty ſhould be freed by the others " ſuffering. For, *he ſaith*, neither *Socinus* nor he do deny that one man " may be puniſhed for anothers ſins; but that which they deny is, " that ever the innocent were puniſhed ſo as the guilty were freed by " it; *and ſo he anſwers*, in the caſe of Hoſtages and Sureties, their pu- " niſhment did never excuſe the offenders themſelves. And to this pur- " poſe *he ſaith*, *Socinus* his argument doth hold good, that though one " mans Money may become anothers, yet one mans ſufferings cannot " become anothers: For, *ſaith he*, if it could, then it would be all one " who ſuffered, as it is who pays the Money due: And then the of- " fender muſt be preſently releaſed, as the Debtor is upon payment of " the Debt. This is the ſubſtance of what is ſaid by him upon this Argument. To which I reply; 1. That this gives up the matter in diſpute between us; for the preſent queſtion is, Whether it be unjuſt for

for any one to suffer beyond the desert of his own actions? *Yes*, saith *Crellius*, *it is, in case he suffers so, as that the guilty be freed by his sufferings.* But we are not enquiring, whether it be just for another person to be freed for a mans suffering for him? But whether it be just for that man to suffer by his own consent, more than *his own* actions, without that consent, deserved? The release of another person by virtue of his sufferings, is a matter of another Consideration. Doth the freeing or not freeing of another by suffering, add any thing to the *deserting* of suffering? He that being wholly innocent, and doth suffer on the account of anothers fault, doth he not suffer as *undeservedly*, though another be not freed, as if he were? As in the case of *Hostages* or Sureties, doth it make them at all the more guilty, because the persons they are concerned for, will be punished notwithstanding, if they come under the power of those who exacted the punishment upon them, who suffered for them? Nay, is not their *desert* of punishment so much the less, in as much as the guilty are still bound to answer for their own offences? If we could suppose the guilty to be freed by the other sufferings, it would be by supposing their guilt more fully translated upon those who suffer, and consequently, a greater obligation to punishment following that guilt. From whence it follows, that if it be just to punish, when the person is not deliver'd from whom the others suffers, it is more just when he is; for the translation of the penalty is much less in the former case, than in the latter; and what is just upon less grounds of punishment, must be more just upon greater. I look on this therefore but as a shift of *Crellius*, hoping thereby to avoid the consent of mankind in one mans suffering for another, without attending to the main argument he was upon; *viz.* The justice of one person suffering for another. 2. It is a very unreasonable thing, to make an action unjust for that, which of it self is acknowledged by our *Adversaries* to be very just; *viz.* The pardoning the Offenders themselves. If it were just to suffer, if the other were not pardoned, and it were just to pardon, whether the other were punished or no, how comes this suffering to be unjust, merely by the others being pardoned by it: Nay, is it not rather an argument, that those sufferings are the most just, which do so fully answer all the ends of punishments; that there is then no necessity that the offender should suffer; but that the Supreme Governour having obtained the ends of Government, by the suffering of one for the rest, declares himself so well pleased with it, that he is willing to pardon the Offenders themselves. 3. Many of those persons who have had their sins punished in others, have themselves escaped the punishment due to the desert of their sins: As is plain in the case of *Ahab*, whose punishment was not so great as his sins deserved, because the full punishment of them was reserved to his Posterity. If it be said, as it is by *Crellius*, *That* Ahab *was not wholly freed, his life being taken away for his own sins:* That gives no sufficient answer; for if some part of the punishment was deferred, that part he was delivered from; and the same reason in this case will hold for the whole as the part. As is plain in the case of *Menasseh*, and several others, the guilt of whose sins were punished on their Posterity, themselves escaping it. 4. Our Adversaries confess, that in some cases it is lawful and unjust for some to suffer, with a design that others may be freed by their suffering for them. Thus they assert, *That one Christian, not only may, but ought to lay down his life for another, if there be*

Crell. c. 4. sect. 25. 1 Kin. 21. 19.

any

any danger of his denying the truth, or he judges far more useful and considerable than himself: So likewise a Son for his Father, one Brother for another, or a Friend, or any, whose life he thinks more useful than his own. Now I ask, whether a man can be bound to a thing that is *in its own nature unjust?* If not, as it is plain he cannot, then such an obligation of one man to suffer for the delivery of another cannot be unjust, and consequently the suffering it self cannot be so. But *Crellius* saith, *The injustice in this case lies wholly upon the Magistrate who admits it:* But I ask, wherefore is it unjust in the Magistrate to admit it? It is because the thing is in it self unjust? If so, there can be no Obligation to do it; and it would be as great a sin to undergo it, as in the Magistrate to permit it; but if it be just in it self, we have obtained what we contend for, *viz.* That it may be just for a man to suffer beyond *the desert* of his own actions; for he that lays down his life for his Brethren, doth not deserve by his own actions that very punishment which he undergoes. And if the thing be in it self just, how comes it to be unjust in him that permits it? 5. The reason why among men the offenders themselves are punished, is because those were not the terms, upon which the persons suffered. For if they had suffered upon these terms that the other might be freed, and their suffering was admitted of by the Magistrate on that Consideration, then in all reason and justice the offenders ought to be freed on the account of the others suffering for them. But among men the chief reason of the Obligation to punishment of one man for another, is not, that the other might be freed, but that there may be security given by the publick, that the offenders shall be punished: and the reason of the Sureties suffering is not to deliver the offender, but to satisfie the Law, by declaring that all care is taken that the offender should be punished, when in case of escape, the Surety suffers for him. But it is quite another thing when the person suffers purposely that others might be freed by his suffering, for then in case the suffering be admitted, the release of the other is not only, not unjust, but becomes due to him that suffered, on his own terms. Not as though it followed *ipso facto* as *Crellius* fansies, but the manner of release doth depend upon the terms which he who suffered for them, shall make in order to it. For upon this suffering of one for another upon such terms, the immediate consequent of the suffering is not the *actual discharge* but the *right* to it which he hath purchased; and which he may dispense upon what terms he shall judge most for his honour. 6. Although one persons sufferings cannot become anothers so as one mans *Money* may; yet one mans sufferings may be a sufficient Consideration on which a benefit may accrue to another. For to that end a Donation, or such a transferring right from one to another as is in *Money*, is not necessary, but the acceptation which it hath from him who hath the power to pardon. If he declare that he is so well pleased with the sufferings of one for another, that in Consideration of them, he will pardon those from whom he suffered; where lies the impossibility or unreasonableness of the thing? For *Crellius* grants, *that rewards may be given to others than the persons who did the actions in Consideration of those Actions*; and why may not the sufferings of one for others, being purposely undertaken for this end, be avaliable for the pardon of those whom he suffered for? For a man can no more transfer the right of his good Actions, than of his sufferings. From all which it follows, that one person may by his own consent, and being admit-

Crell. cap. 6. sect. 39.

Crell. ib. sect. 8.

admitted thereto by him to whom the right of punishing belongs, suffer justly; though it be beyond the desert of his own Actions; and the guilty may be pardoned on the account of his suffering. Which was the first thing we designed to prove from *Crellius*, in order to the overthrowing his own *Hypothesis*. For it being confessed by him that such sufferings have all that belongs to the nature of punishments, and since God hath justly punished some for the sins which they have not committed; since all Nations have allowed it just for one man by his own consent to suffer for another; since it cannot be unjust for the offender to be released by anothers sufferings, if he were admitted to suffer for that end, it evidently follows, contrary to *Crellius* his main principle, that *a person may be justly punished beyond the desert of his own Actions:* And so that first argument of *Crellius* cannot hold, *that one man cannot by his own consent suffer for another, because no man can deserve anothers punishment, and no punishment is just but what is deserved.* His second argument from the nature of *Anger* and *Revenge* hath been already answered in the first Discourse about the nature and ends of punishments, and his third argument, *that one mans punishment cannot become anothers*, immmediately before. And so we have finished our first Consideration of the *sufferings of Christ* in general, as *a punishment of our sins*, which we have shewed to be agreeable both to *Scripture* and *Reason*.

CHAP. IV.

I. *The Death of Christ considered as an Expiatory Sacrifice for sin.* II. *What the expiation of sin was by the Sacrifices under the Law; twofold, Civil and Ritual. The Promises made to the Jews under the Law of* Moses, *respected them as a People, and therefore must be temporal. The typical nature of Sacrifices asserted.* III. *A substitution in the Expiatory Sacrifices under the Law, proved from* Lev. 17. 11. *and the Concession of* Crellius *about the signification of* ἀντὶ *join'd with* ψυχῆς. Lev. 10. 17. *explained. The expiation of uncertain murther proves a substitution.* IV. *A substitution of Christ in our room proved from Christ's being said to die for us; the importance of that phrase considered.* V. *In what sense a Surrogation of Christ in our room is asserted by us.* VI. *Our Redemption by Christ proves a substitution.* VII. *Of the true notion of Redemption: that explained, and proved against* Socinus *and* Crellius. *No necessity of paying the price to him that detains captive, where the captivity is not by force, but by sentence of Law. Christ's death a proper* λύτρον: *and therefore the* ἀπολύτρωσις *attributed to it, cannot be taken for mere deliverance.*

The death of Christ considered as an Expiatory Sacrifice for sin.

WE come now to consider the Death of Christ, as an *Expiatory Sacrifice for the sins of Mankind:* Which is as much denied by our Adversaries, as that it was a punishment for our sins. For though they do not deny, *That Christ as a Priest did offer up a Sacrifice of Expiation for the sins of men*; yet they utterly deny, *that this was performed on Earth*, or that *the Expiation of sins did respect God, but only us*; or, *that the death of Christ, had any proper Efficacy towards the Expiation of sin, any further than as it com-*

comprehends in it all the conſequences of his death, by a ſtrange *Catechreſis*. I ſhall now therefore prove, that all things which do belong to a proper Expiatory Sacrifice, do agree to the death of Chriſt. There are three things eſpecially conſiderable in it: 1. A Subſtitution in the place of the Offenders. 2. An Oblation of it to God. 3. An Expiation of ſin conſequent upon it. Now theſe three, I ſhall make appear to agree fully to the Death of Chriſt for us.

I. *A Subſtitution in the place of the offenders.* That we are to prove was deſigned in the *Expiatory Sacrifices* under the Law, and that *Chriſt* in his death *for us*, was *ſubſtituted* in our place. 1. That in the Expiatory Sacrifices under the Law, there was a *Subſtitution* of them *in the place* of the Offenders. This our Adverſaries are not willing to yield us, becauſe of the correſpondency which is ſo plain in the *Epiſtle* to the *Hebrews*, between thoſe Sacrifices, and that which was offered up by Chriſt. We now ſpeak only of thoſe Sacrifices, which we are ſure were appointed of old for the Expiation of ſin, by God himſelf. Heb. 9.22. As to which the great Rule aſſigned by the Apoſtle was, *That without ſhedding of Blood there was no Remiſſion.* If we yield *Crellius* what he Crell.c.10. ſect. 14. ſo often urgeth, *viz. That theſe words are to be underſtood, of what was done under the Law*; they will not be the leſs ſerviceable to our purpoſe; for thereby it will appear, that the means of Expiation lay in the *ſhedding of Blood:* Which ſhews, that the very *Mactation* of the beaſt to be ſacrificed, was deſigned in order to the Expiation of ſin. To an inquiſitive perſon, the reaſon of the ſlaying ſuch multitudes of beaſts in the Sacrifices appointed by God himſelf among the *Jews*, would have appeared far leſs evident than now it doth, ſince the *Author* of the *Epiſtle* to the *Hebrews* hath given us ſo full an account of them. For it had been very unreaſonable to have thought, that they had been merely inſtituted out of compliance with the Cuſtoms of other Nations, ſince the whole deſign of their Religion, was to ſeparate them from them: And on ſuch a Suppoſition the great deſign of the *Epiſtle* to the *Hebrews* ſignifies very little; which doth far more explain to us the nature and tendency of all the Sacrifices in uſe among them, that hath any reſpect to the Expiation of ſins, than all the Cuſtoms of the *Egyptians*, or the Commentaries of the later *Jews*. But I intend not now to diſcourſe at large upon this Subject of Sacrifices, either as to the Nature and Inſtitution of them in general, or with a particular reſpect to the Sacrifice of Chriſt, ſince a learned perſon of our *Church*, hath already undertaken this *Crellius* upon Argument, and we hope e'er long will oblige the World with the benefit of his Pains. I ſhall therefore only inſiſt on thoſe things which are neceſſary for our purpoſe, in order to the clearing the Subſtitution of Chriſt in our ſtead, for the Expiation of our ſins by his death; and this we ſay was repreſented in the Expiatory Sacrifices, which were inſtituted among the Crell.c.10. ſect. 13. *Jews*. If we yield *Crellius* what he after *Socinus* contends for; *viz. That the Sacrifice of Chriſt was only repreſented in the publick and ſolemn Expiatory Sacrifices for the people, and eſpecially thoſe on the day of Atonement*; We may have enough from them to vindicate all that we aſſert, concerning the Expiatory Sacrifice of the Blood of Chriſt.

What the Expiation of ſin was by the Sacrifices under the Law. II. For that thoſe were deſigned by way of *Subſtitution* in the place of the Offenders, will appear from the Circumſtances and Reaſon of their Inſtitution: But before we come to that, it will be neceſſary to ſhew what that *Expiation* was, which the Sacrifices under the Law were

were designed for; the not understanding of which, gives a greater force to our Adversaries Arguments, than otherwise they would have. For while men assert, that the Expiation was wholly typical, and of the same Nature with that Expiation which is really obtained by the death of Christ, they easily prove, *That all the Expiation then, was only declarative, and did no more depend on the Sacrifices offered, than on a Condition required by God, the neglect of which would be an act of disobedience in them; and by this means it could represent*, say they, *no more than such an Expiation to be by Christ*; viz. *God's declaring that sins are expiated by him, on the performance of such a Condition required in order thereto, as laying down his life was.* But we assert another kind of Expiation of sin, by virtue of the Sacrifice being slain and offered; which was real, and depended upon the Sacrifice: And this was twofold a *Civil*, and a *Ritual* Expiation, according to the double Capacity in which the people of the *Jews* may be considered, either as members of a Society, subsisting by a body of *Laws*, which according to the strictest *Sanction* of it, makes death the penalty of disobedience, *Deut.* 27. 26. but by the will of the Legislator, did admit of a Relaxation in many Cases, allowed by himself; in which he declares, That the death of the Beast designed for a *Sacrifice* should be accepted, instead of the death of the offender; and so the offence should be fully expiated, as to the Execution of the penal Law upon him. And thus far, I freely admit what *Grotius* asserts upon this Subject, and do yield that no other offence could be expiated in this manner, but such which God himself did particularly declare should be so. And therefore no sin which was to be punished by cutting off, was to be expiated by Sacrifice; as *wilful Idolatry*, *Murther*, *&c.* Which it is impossible for those to give an account of, who make the Expiation wholly *Typical*; for why then should not the greatest sins much rather have had Sacrifices of *Expiation* appointed for them: Because the Consciences of men would be more solicitous for the pardon of greater than lesser sins; and the Blood of Christ represented by them, was designed for the Expiation of all. From whence it is evident, that it was not a meer *Typical* Expiation; but it did relate to the Civil Constitution among them. But besides this, we are to consider the people with a respect to that Mode of Divine Worship which was among them; by reason of which, the people were to be purified from the *legal* Impurities which they contracted, which hindred them from joining with others in the publick Worship of *God*, and many Sacrifices were appointed purposely for the expiating this *legal Guilt*, as particularly, *the ashes of the red heifer*, Numb. 19. 9. which is there called *a purification for sin*. And the *Apostle* puts *the Blood of Bulls and of Goats, and the ashes of the heifer sprinkling the unclean*, together; and the effect of both of them, he saith, was *to sanctifie to the purifying of the Flesh*; which implies, that there was some proper and immediate effect of these Sacrifices upon the people at that time, though infinitely short of the effect of the Blood of Christ upon the *Consciences* of men. By which it is plain, the *Apostle* doth not speak of the same kind of *Expiation* in those Sacrifices, which was in the Sacrifice of Christ, and that the one was barely typical of the other; but of a different kind of *Expiation*, as far as *purifying the flesh* is from *purging the Conscience.* But we do not deny, that the whole dispensation was *typical*, and that *the Law had a shadow of good things to come, and not the very image of the things*, i. e. a dark

Grot. de Satisf. c. 10.

Heb. 8. 12, 13.

Heb. 10. 1.

and obscure Representation, and not the perfect Resemblance of them. There are two things which the Apostle asserts concerning the Sacrifices of the *Law:* First, that they had an effect upon the Bodies of men, which he calls *purifying the flesh*; the other is, that they had no power to expiate for the Sins of the Soul, considered with a respect to the punishment of another Life, which he calls *purging the Conscience from dead works*; and therefore he saith, *that all the Gifts and Sacrifices under the Law, could not make him that did the service perfect, as pertaining to the Conscience*, and *that it was impossible that the Blood of Bulls and Goats should take away sin.* So that the proper Expiation which was made by them, was Civil and Ritual, relating either to corporal punishment, or to legal uncleanness, from whence the *Apostle* well proves the necessity of a higher Sacrifice to make Expiation for Sins, *as pertaining to the Conscience:* But that Expiation among the *Jews* did relate to that *Polity* which was established among them, as they were a people under the Government of a body of Laws distinct from the rest of the World. And they being considered as such, it is vain to enquire, whether they had only *Temporal* or *Eternal* Promises; for it was impossible they should have any other than Temporal, unless we imagine, that *God* would own them for a distinct People in another World as he did in this. For what Promises relate to a People *as such*, must consider them as a People, and in that Capacity they must be the Blessings of a *Society*, viz. Peace, Plenty, number of People, Length of Days, *&c.* But we are far from denying that the general Principles of *Religion* did remain among them, viz. *that there is a God, and a rewarder of them that seek him*; and all the Promises God made to the *Patriarchs*, did continue in force *as to another Country*, and were continually improved by the *Prophetical* Instructions among them. But we are now speaking of what did respect the people in general, by virtue of that Law which was given them by *Moses*, and in that respect the punishment of faults being either *Death* or *Exclusion* from the publick Worship, the Expiation of them, was taking away the Obligation of either of these, which was the guilt of them in that Consideration.

Heb. 9. 9. 10. 4.

But doth not this take away the typical nature of these Sacrifices? No, but it much rather establisheth it. For as *Socinus* argues, "If the Expiation was only Typical, there must be something in the type Correspondent to that which is typified by it. As the Brazen Serpent typified Christ, and the benefit which was to come by him, because as many as looked up to it were healed. And *Noah*'s Ark is said "to be a type of Baptism, because as many as entred into that were saved from the deluge. So *Corinth.* 10. the Apostle saith, that those "things happened to them in Types, *v.* 11. because the Events which "happened to them, did represent those which would have fall upon disobedient Christians. So that to make good the true notion of a *Type*, we must assert an *Expiation* that was *real* then, and agreeable to that dispensation, which doth represent an Expiation of a far higher Nature, which was to be by the Sacrifice of the Blood of Christ.

Socin. de servat. l. 2. c. 10. Prælect. Theolog cap. 22.

A substitution proved from *Lev.* 17. 11, &c.

III. Which being premised, I come to prove, that there was a *Substitution* designed of the Beast to be slain and sacrificed instead of the Offenders themselves. Which will appear from *Levit.* 17. 11. *For the life of the flesh is in the Blood, and I have given it you upon the Altar, to make*

make an Atonement for your Souls; for it is the Blood that maketh an Atonement for the Soul. The utmoſt that *Crellius* would have meant by this place is, *that there is a double reaſon aſſigned of the Prohibition of eating Blood*, viz. *that the Life was in the Blood, and that the Blood was deſigned for Expiation; but he makes theſe wholly independent upon each other.* But we ſay, that the proper reaſon aſſigned againſt the eating of the *Blood*, is that which is elſewhere given, when this precept is mentioned, viz. *that the Blood was the Life*, as we may ſee *Gen.* 9. 4. *Lev.* 17. 14. but to confirm the Reaſon given, that *the Blood was the Life*; he adds, *that God had given them that upon the Altar for an Atonement for their Souls:* So the Arabick Verſion renders it, *and therefore have I given it you upon the Altar*, viz. becauſe the Blood is the life. And hereby a ſufficient reaſon is given, why God did make choice of Blood for Atonement, for that is expreſſed in the latter Clauſe, *for it is the Blood that maketh an Atonement for the Soul*; why ſhould this be mentioned here, if no more were intended but to give barely another Reaſon why they ſhould not eat the Blood? What force is there more in this Clauſe to that end, than in the foregoing? For therein God had ſaid, *that he had given it them for an Atonement.* If no more had been intended, but the bare Prohibition of common uſe of the Blood, on the account of its being Conſecrated to ſacred uſe, it had been enough to have ſaid, that the Blood was holy unto the *Lord*, as it is in the other inſtances mentioned by *Crellius*, of the *holy Ointment and Perfume*, for no other reaſon is there given, why it ſhould not be profaned to common uſe, but *that it ſhould be holy for the Lord*; if therefore the Blood had been forbidden upon that account, there had been no neceſſity at all of adding, that *the Blood was it that made Atonement for the Soul:* Which gives no peculiar Reaſon why they ſhould not eat the Blood, beyond that of bare Conſecration of it to a ſacred uſe; but if we conſider it as reſpecting the firſt Clauſe, viz. *For the Life of the fleſh is in the blood*, then there is a particular reaſon why the Blood ſhould be for Atonement, viz. *Becauſe the Life was in that*; and therefore when the *Blood* was offered, the Life of the Beaſt was ſuppoſed to be given inſtead of the Life of the Offender. According to that of *Ovid*,

Hanc animam vobis pro meliore damus.

This will be yet made clearer by another inſtance produced by *Crellius* to explain this, which is *the forbidding the eating of Fat*; which ſaith he, *is joyned with this of Blood*, Levit. 3. 17. *It ſhall be a perpetual Statute for your Generations, throughout all your dwellings, that ye eat neither Fat nor Blood.* To the ſame purpoſe, *Levit.* 7. 23, 25, 26. Now no other reaſon is given of the Prohibition of the Fat, but this, *All the Fat is the Lords.* Which was enough to keep them from eating it. But we ſee here in the Caſe of *Blood* ſomewhat further is aſſigned, *viz.* that it was *the life*; and therefore was moſt proper for *Expiation*, the Life of the Beaſt being ſubſtituted in the place of the Offenders. Which was therefore called *animalis hoſtia* among the *Romans*, as *Grotius* obſerves upon this place, and was diſtinguiſhed from thoſe whoſe entrails were obſerved; for in thoſe Sacrifices as *Servius* ſaith, *ſola anima Deo ſacratur*, the main of the Sacrifice lay in ſhedding of the *Blood*, which was called the *Soul*; and ſo it is נפש in this place. From whence it appears that ſuch a Sacrifice was properly ψυχὴ ἀντὶ ψυχῆς, for the ſame word נפש is uſed, both relating to the *Blood* and the *Soul*, that is expiated by it: And

Crell. c. 10. ſect. 9.

Exod. 30. 32, 33. 37, 38.

Ovid. Faſt. l. 6.

Lev. 3. 16.

Servius ad Æneid. 4.

the LXX do accordingly render it, ψυχὴ πᾶσης σαρκὸς αἷμα αὐτῆς ἐστι, and in the last Clause, τὸ γὰρ αἷμα αὐτῶν ἀντὶ ψυχῆς ἐξιλάσεται. From whence *Eusebius* calls these Sacrifices of living Creatures, ἀντίψυχα τῶν αὐτῶν ψυχῆς, and afterwards saith they were λύτρα τῶν ἑαυτῶν ζωῆς καὶ ἀντίψυχα τῆς ἰκείας φύσεως. And *Crellius* elsewhere grants, *that where* ἀντὶ *is joyned with* ψυχὴ, *it doth imply, that one doth undergo the Punishment which another was to have undergone*, which is all we mean by *Substitution*, it being done in the place of another. From whence it follows, that the Sacrifices under the Law being said to be ἀντὶ ψυχῆς, doth necessarily infer a Substitution of them in the place of the Offenders. And from hence may be understood, what is meant by *the Goat of the Sin offering, bearing the iniquity of the Congregation, to make Atonement for them before the Lord*, Levit. 10. 17. for *Crellius* his saying, *That bearing is as much as taking away, or declaring that they are taken away*, hath been already disproved: And his other answer hath as little weight in it; viz. *That it is not said, that the Sacrifice did bear their Iniquities, but the Priest:* For, 1. The *Chaldee Paraphrast*, and the *Syriack Version*, understand it wholly of the *Sacrifice*. 2. *Socinus* himself grants, *That if it were said, the Priest did expiate by the Sacrifices, it were all one as if it were said, that the Sacrifices themselves did expiate; because the Expiation of the Priest was by the Sacrifice.* Thus it is plain in the case of uncertain Murther, mentioned *Deut.* 21. from the first to the tenth; *If a Murther were committed in the Land, and the person not known who did it, a Heifer was to have her head cut off by the Elders of the next City; and by this means they were to put away the guilt of the innocent Blood from among them:* The Reason of which was, because God had said before, *That Blood defiled the Land, and the Land cannot be cleansed of the Blood that is shed therein, but by the Blood of him that shed it.* From whence it appears, that upon *the shedding of Blood*, there was a guilt contracted upon the whole Land wherein it was shed, and in case the Murtherer was not found to expiate that guilt by his own Blood, then it was to be done by the cutting off the head of a Heifer instead of him: In which case, the death of the Heifer was to do as much towards the expiating the Land, as the Death of the Murtherer if he had been found: And we do not contend, *that this was designed to expiate the Murtherers* guilt (which is the Objection of *Crellius* against this instance) but that a Substitution here was appointed by God himself, for the Expiation of the People: For what *Crellius* adds, *That the People did not deserve Punishment, and therefore needed no Expiation*; it is a flat Contradiction to the Text: For the Prayer appointed in that case is, *Be merciful, O Lord, unto thy People Israel, whom thou hast Redeemed, and lay not innocent Blood unto thy People Israel's Charge, and the Blood shall be expiated:* For the same word כפר is used here, which is in the other places where *Expiation* is spoken of. So that here must be some guilt supposed, where there was to be an *Expiation*, and this *Expiation* was performed by the *Substitution* of a *Sacrifice* in the place of the Offender. Which may be enough at present to shew, that a Substitution was admitted by the Law, of a Sacrifice instead of the Offender, in order to the Expiation of guilt; but whether the Offender himself was to be freed by that Sacrifice; depends upon the Terms on which the Sacrifice was offered; for we say still, that so much *guilt* was expiated, as the Sacrifice was designed to expiate; if the Sacrifice was designed to expiate the guilt of the Offender, his sin was expiated by it; if not his,

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Euseb. demonst. Evang. l. 1. c. 10.

Crell. c. 8. sect. 23.

Denotat enim vox ἀντίψυχον eos quorum alter pro altero animam ponat aut devoveat, & sic id malum quod alteri subeundum erat ejus loco subire non detrectet.

Socin. de servat. l. 2. c. 11.

Numb. 35. 33.

Crell. c. 10. sect. 9.

Deut. 21. 8.

in case no Sacrifice was allowed by the Law, as in that of Murther, then the guilt which lay upon the Land was expiated, although the Offender himself were never discovered.

IV. I now come to prove, that in Correspondency to such a *Substitution* of the Sacrifices for Sin under the Law, Christ was substituted in our room for the Expiation of our guilt; and that from his being said *to die for us*, and his death being called *a Price of Redemption* for us. A substitution of Christ in our room proved by his dying for us.

1. *From Christ's being said to die for us.* By St. *Peter*, *For Christ hath also once suffered for sins, the just for the unjust*; by whom he is also said, *to suffer* ὑπὲρ ἡμῶν, *for us*, and *for us in the flesh:* By St. *Paul*, he is said *to die* ὑπὲρ πάντων, *for all*, and ὑπὲρ ἀσεβῶν, *for the ungodly*, and *to give himself* ἀντίλυτρον ὑπὲρ πάντων, *a Ransom for all*, and, *to taste Death* ὑπὲρ παντὸς, *for every Man:* By *Caiphas*, speaking by inspiration, he is said *to die* ὑπὲρ τοῦ λαοῦ, *for the People.* So Christ himself instituting his last Supper, said, *This is my Body which was given, and my Blood which was shed* ὑπὲρ ὑμῶν, *for you*; and before he had said, That *the Son of Man came to give his Life* λύτρον ἀντὶ πολλῶν, *a ransom for many.* We are now to consider, what Arts our Adversaries have made use of to pervert the meaning of these places, so as not to imply a Substitution of Christ in our room: 1. They say, *That all these phrases do imply no more than a final Cause*; viz. *That Christ died for the good of Mankind*; for the Apostle tells us, *We are bound to lay down our Lives for the Brethren, and St.* Paul *is said to suffer for the Church.* To which I answer; 1. This doth not at all destroy that which we now plead for, *viz.* That these Phrases do imply a Substitution of Christ in our room: For when we are bid to lay down *our Lives for our Brethren*, a Substitution is implied therein; and supposing that dying for another, doth signifie dying for some benefit to come to him, yet what doth this hinder Substitution, unless it be proved, that one cannot obtain any benefit for another, by being substituted in his room. Nay, it is observable, that although we produce so many places of *Scripture*, implying such a Substitution, they do not offer to produce one that is inconsistent with Christ's Suffering in our stead; all that they say is, *That* ὑπὲρ *doth not always signifie so*, which we never said it did, who say, that Christ suffered ὑπὲρ ἁμαρτιῶν, not *instead* of our sins, but by *reason* of them; but we assert, that when one person is said to die for others, as in the places mentioned, no other sense can be so proper and agreeable, as dying in the stead of the other. 2. *Socinus* himself grants, *Soc. de servat. l. 2. c. 8.*

" That there is a peculiarity implied in those Phrases, when attributed " to Christ, above what they have when attributed to any other. And " therefore, *he saith*, it cannot be properly said, That one Brother dies " for another, or that *Paul* suffered for the *Colossians*, or for the " Church, as Christ may truly and properly be said to suffer and to die " for us. And from hence, *saith he*, St. *Paul* saith, was *Paul* Crucified 1 Cor. 1. " for you? Implying thereby, that there never was or could be any, 13. " who truly and properly could be said to die for Men, but Christ a- " lone. How unreasonable then is it, from the use of a *Particle* as applied to others, to infer, that it ought to be so understood, when applied to Christ? when a peculiarity is acknowledged in the Death of Christ for us, more than ever was or could be in one mans dying for another. 3. It is not the bare force of the Particle ὑπὲρ that we insist upon; but that a *Substitution* could not be more properly expressed, than

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1. Pet. 3. 18. 2. 21. 4. 1. 2 Cor. 5. 14. Rom. 5 6. 1 Tim. 2. 6. Heb. 2. 9. Joh. 11. 50. Luke 22. 19, 20. Matt. 20. 28. 1 Joh. 3. 16. Col. 1. 24.

it is in Scripture, by this and other Particles, for not only ὑπὲρ is used,
Socin. ib. but ἀντὶ too: which *Socinus* saith, *although it may signifie something else besides in the stead of another, yet in such places, where it is spoken of a Ransom or Price, it signifies the payment of something which was owing before, as* Matt. 17. 27. ἀντὶ ἐμοῦ καὶ σοῦ, *and so he acknowledges, that where Redemption is spoken of, there* ἀντὶ *doth imply a Commutation, because the Price is given, and the Person received, which,* he saith, *holds in Christ only Metaphorically:* For the Redemption according to him being only Metaphorical, the commutation must be supposed to be so too.

In what sense a surrogation of Christ in our room is asserted by us.

V. And this now leads us to the larger Answer of *Crellius* upon this argument. Wherein we shall consider, what he yields, what he denies, and upon what reasons. 1. *He yields,* and so he saith *doth* Socinus, *very freely a commutation*; but it is necessary that we should throughly understand what he means by it: To that end he tells us, *That they acknowledge a twofold commutation; one of the persons suffering, the kind*
Crell. c. 9. sect. 3. ib. sect. 2. *of suffering being changed, not actually but intentionally, because we are not actually freed by Christ dying for us, but only Christ died for that end, that we might be freed. And this commutation,* he saith, *that* Socinus *doth not deny to be implied in the Particle* ὑπὲρ, *in the places where Christ is said to die for us. Another commutation,* which he acknowledges, is, *that which is between a Price, and the thing or person which is bought or redeemed by it; where the price is paid, and the thing or person is received upon it. And this kind of commutation,* he saith, *is to be understood in the places where* ἀντὶ *is mentioned; which price,* he saith, *by accident may be a person; and because the person is not presently delivered,* he
Ib. sect. 6. therefore saith, *that the commutation is rather imperfect than Metaphorical; and although,* he saith, ἀντὶ *doth not of it self imply a commutation,* yet he grants, *that the Circumstances of the places do imply it.* 2. He
Ib. sect. 7. denies, *that there is any proper Surrogation in Christ's dying for us, which,* he saith, *is such a commutation of persons, that the substituted person is in all Respects to be in the same place and state wherein the other was; and if it refers to sufferings, then it is when one suffers the very same which the other was to suffer, he being immediately delivered by the others sufferings.* And against this kind of Surrogation, *Crellius* needed not to have produced any Reasons; for *Grotius* never asserted it; neither do we say, that Christ suffered eternal death for us, or that we were immediately freed by his sufferings. But that which *Grotius* asserts, that he meant by Substitution was this, that *unless Christ had died for us, we must have died for our selves, and because Christ hath died, we shall not die eternal-*
Ib. sect. 3. *ly. But if this be all,* saith *Crellius, he meant by it, we grant the whole thing, and he complains of it as an injury for any to think otherwise of them.* If so, they cannot deny but that there was a sufficient Capacity in the Death of Christ to be made an expiatory Sacrifice for the sins of the World. But notwithstanding all these fair words, *Crellius* means no more than *Socinus* did; and though he would allow the words which *Grotius* used, yet not in the sense he understood them in; for *Crellius* means no more by all this, but that *the Death of Christ was an antecedent Condition to the Expiation of sins in Heaven, Grotius* understands by them, that *Christ did expiate sins by becoming a Sacrifice for them in his Death.* However, from hence it appears, that our Adversaries can have no plea against the Death of Christ's being an expiatory Sacrifice (from want of Substitution in our room) since they profess themselves so willing to own such a Substitution. But if they say,

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that there could be no *proper Substitution*, because *the Death of Christ was a bare Condition, and no Punishment*, they then express their minds more freely; and if these places be allowed to prove a Substitution, I hope the former discourse will prove that it was by way of Punishment. Neither is it necessary, *that the very same kind of Punishment be undergone in order to Surrogation*, but that it be sufficient in order to the accomplishing the end for which it was designed. For this kind of *Substitution* being in order to the delivery of another by it, whatever is sufficient for that end, doth make a *proper Surrogation*. For no more is necessary to the delivery of another person than the satisfying the ends of the Law and Government, and if that may be done by an equivalent suffering, though not the same in all Respects, then it may be a proper Surrogation. If *David* had obtained his wish, that he had died for his Son *Absolom*, it had not been necessary in order to his Son's escape, that he had *hanged by the hair of his head*, as his Son did; but his Death, though in other Circumstances, had been sufficient. And therefore when the Lawyers say, *subrogatum, sapit naturam ejus in cujus locum subrogatur: Covarruvias* tells us, it is to be understood, *secundum primordialem naturam non secundum accidentalem*; from whence it appears, that all Circumstances, are not necessary to be the same in *Surrogation*; but that the nature of the Punishment remain the same. Thus *Christ dying for us*, to deliver us from Death, and the curse of the Law, he underwent an *accursed Death* for that end; although not the very *same* which we were to have undergone, yet sufficient to shew, that he underwent the Punishment of our Iniquities in order to the delivering us from it. And if our Adversaries will yield us this, we shall not much contend with them about the name of a *proper Surrogation*. *Covarru. 3. To. 1. p. 1. sect. 4. n. 3.*

VI. But in *the matter of Redemption*, or where ἀντὶ is used, *Crellius* will by no means yield *that there was a commutation of persons between Christ and us, but all the commutation he will allow here is only a commutation between a thing, or a Prince, and a person.* Which he therefore asserts, that so there may be no necessity of Christ's undergoing the Punishment of sin in order to *Redemption*, because *the price that is to be paid, is not supposed to undergo the Condition of the person delivered by it.* Which will evidently appear to have no force at all, in case we can prove, that a proper Redemption may be obtained by the Punishment of one in the room of another; for that Punishment then comes to be the λύτρον or price of Redemption; and he that pays this, must be supposed to undergo Punishment for it. So that the commutation between the Punishment of the one, and the other Redeemed by it, here is a proper commutation of persons implied in the payment of the Price. But hereby we may see that the great subtilty of our Adversaries is designed on purpose to avoid the force of the places of *Scripture*, which are so plain against them: For when those places where λύτρον and ἀντὶ are joyned together, are so clear for a Substitution, that they cannot deny it; then they say, by it is meant only a commutation of a price for a person; but when the word λύτρον is urged to prove a Redemption purchased by Christ, by the payment of a price for it, then they deny that λύτρον doth signifie a proper price, but it is only taken Metaphorically; and yet if it be so taken, then there can be no force in what *Crellius* saith, for a bare Metaphorical price may be a real Punishment: Two things I shall then prove against *Crellius*. 1. That the λύτρον as applied to Christ, is to be taken in a proper Sense. 2. That although

Our Redemption by Christ proves a substitution. *Crell. c. 9. sect. 2.*

although it be taken in a proper ſenſe, yet it doth not imply a bare commutation of a price and a perſon, but a Subſtitution of one perſon in the room of another.

Of the true notion of Redemption.

VII. Both theſe will be cleared from the right ſtating the notion of Redemption between our Adverſaries and us. For they will not by any means have any other proper notion of Redemption *but from Captivity*, and that *by the payment of a price to him that did hold in Captivity, and therefore becauſe Chriſt did not pay the price to the Devil, there could be no proper ſenſe either of the Redemption, or the price which was paid for it.* This is the main ſtrength of all the Arguments uſed by *Socinus* and *Crellius*, to enervate the force of thoſe places of *Scripture* which ſpeak of *our Redemption by Chriſt*, and *of the price which he paid in order to it.* But how weak theſe Exceptions are, will appear upon a true Examination of the proper notion of Redemption, which in its primary importance ſignifies no more, than *the obtaining of one thing by another as a valuable Conſideration for it.* Thence *redimere* anciently among the *Latins* ſignified barely to *purchaſe* by a valuable price, for the thing which they had a right to by it; and ſometimes to purchaſe that which a Man hath ſold before, thence the *pactum redimendi* in Contracts: ſtill in whatever ſenſe it was uſed by the Lawyers or others, the main regard was, to the Conſideration upon which the thing was obtained, thence *redimere delatorem pecunia*, h. e. *eum à delatione deducere*; ſo *redimere litem*; and *redemptor litis* was one that upon certain Conſideration took the whole charge of a ſuit upon himſelf: And thoſe who undertook the farming of Cuſtoms at certain Rates, were called *redemptores vectigalium, qui redempturis auxiſſent vectigalia*, ſaith *Livy*. And all thoſe who undertook any publick work at a certain price, *redemptores antiquitus dicebantur*, ſaith *Feſtus* and *Ulpian*. From hence it was applied to the delivery of any perſon from any inconvenience that he lay under, by ſomething which was ſuppoſed a valuable Conſideration for it. And that it doth not only relate to Captivity, but to any other great Calamity, the freedom from which is obtained by what another ſuffers; is apparent from thoſe two remarkable Expreſſions of *Cicero* to this purpoſe. *Quam quidem ego* (ſaith he, ſpeaking of the ſharpneſs of the time) *à rep. meis privatis & domeſticis incommodis libentiſſimè redemiſſem.* And more expreſly elſewhere, *Ego vitam omnium civium, ſtatum orbis terræ, urbem hanc denique, &c. quinque hominum amentium ac perditorum pœna redemi.* Where it is plain, that Redemption is uſed for the delivery of ſome by the Puniſhment of others; not from mere Captivity, but from a great Calamity which they might have fallen into, without ſuch a Puniſhment of thoſe Perſon. So vain is that Aſſertion of *Socinus*, *Redimere, nihil aliud propriè ſignificat, quam eum captivum è manibus illius, qui eum detinet, pretio illi dato liberare.*

Socin. de ſervat. l. 2. c. 1, 2. Crell. c. 8. ſect. 11.

Ulpian l. 29. D de jure fiſci.

Budæus ad Pandect. p. 189. Liv. l. 23. Feſtus v. red. Ulpian. l. 39. D. de rei vend.

Cic. ep. fam. l. 2. ep. 16.

Orat. pro Syllâ.

Soc. de ſervat. l. 2 c. 1.

No neceſſity of paying the price to him that detains captive.

VIII. And yet ſuppoſing we ſhould grant that *Redemption* as uſed in ſacred Authors doth properly relate to *Captivity*, there is no neceſſity at all of that which our Adverſaries contend ſo earneſtly for, viz. *That the price muſt be paid to him that detains Captive.* For we may very eaſily conceive a double ſort of Captivity, from whence a Redemption may be obtained; the one by *force*, when a Captive is detained purpoſely for advantage to be made by his Redemption: And the other in a *judicial manner*, when the Law condemns a perſon to Captivity, and the thing deſigned by the Law is not a meer price, but ſatisfaction to be made to the Law, upon which a Redemption may be obtained;

now

now in the former case it is necessary, that the price be paid to the person who detains, because the reason of his detaining, was the Expectation of the price to be paid; but in the latter, the detainer is meerly the instrument for Execution of the Law, and the price of Redemption is not to be paid to him; but to those who are most concerned in the Honour of the Law. But *Crellius* objects, *that the price can never be said to be paid to God, because our redemption is attributed to God as the Author of it, and because we are said to be redeemed for his use and service*, now saith he, *the price can never be paid to him for whose service the person is redeemed.* But all this depends upon the former mistake, as though we spake all this while of such a Redemption as that is of a *Captive* by force: In whom the detainer is no further concerned than, for the Advantage to be made by him; and in that case the price must be paid to him who detains, because it would otherwise be successful for his deliverance: But in case of Captivity by Law, as the effect of disobedience, the Magistrate who is concerned in the life of the person, and his future obedience may himself take care that Satisfaction may be given to the Law for his Redemption, in order to his future serviceableness. From hence we see both that the λύτρον, is *proper* in this case of our Redemption, and that it is not a meer *commutation* of a *price* for a *person*, but a *commutation* of one *persons* suffering for *others*, which suffering being a Punishment in order to Satisfaction is a valuable Consideration, and therefore a price for the Redemption of others by it. Which price in this sense doth imply a proper Substitution; which was the thing to be proved. Which was the first thing to be made good concerning the Death of Christ being a Sacrifice for sin, *viz.* that there was a Substitution of Christ in our stead as of the Sacrifices of old under the Law; and in this sense the Death of Christ was a proper λύτρον or price of Redemption for us. Nothing then can be more vain, than the way of our Adversaries, to take away the force of all this, because ἀπολύτρωσις *is sometimes taken for a meer deliverance without any price*, which we deny not; but the main force of our Argument is from the importance of ἀπολύτρωσις, where the λύτρον is mentioned; and then we say that ἀπολύτρωσις when applied to sins, signifies Expiation, (as *Heb.* 9. 15. εἰς ἀπολύτρωσιν τῶν παραβάσεων,) but when applied to persons, it signifies the deliverance purchased by the λύτρον, which is not to be considered as a bare price, or thing given, but as a thing undergone in order to that deliverance: And is therefore not only called λύτρον, but ἀντίλυτρον too, which *Crellius* confesseth doth imply a *commutation*, and we have shewed, doth prove a *Substitution* of Christ in our place.

Crell. c. 8. sect. 11.

CHAP. V.

I. *The notion of a Sacrifice belongs to the Death Christ, because of the Oblation made therein to God.* Crellius *his sense of Christ's Oblation proposed.* II. *Against him it is proved, that the Priestly Office of Christ had a primary Respect to God, and not to us. Expiatory Sacrifices did divert the Wrath of God.* III. *Christ not a bare Metaphorical High-Priest.* IV. Crellius *destroys the Priesthood of Christ by confounding it with the Exercise of his Regal Power.* V. *No proper Expiation of sin be-*

belongs to Christ in Heaven, if Crellius *his Doctrine be true.* VI. Ephes. 5. 2. *proves the Death of Christ an Expiatory Sacrifice, and an Oblation to God. The Phrase of* a sweet-smelling Savour, *belongs to expiatory Sacrifices;* Crellius *his gross notion of it.* VII. *His mistakes about the kinds of Sacrifices. Burnt-offerings were Expiatory Sacrifices both before and under the Law. A new distribution of Sacrifices proposed.* VIII. *What influence the Mactation of the Sacrifice had on Expiation. The High-Priest only to slay the Sin-offering on the day of Atonement; from whence it is proved that Christ's Priest-hood did not begin from his entrance into Heaven. The Mactation in Expiatory Sacrifices no bare Preparation to a Sacrifice, proved by the Jewish Laws, and the Customs of other Nations.* IX. *Whether Christ's Oblation of himself once to God, were in Heaven, or on Earth? Of the proper notion of Oblations under the Levitical Law. Several things observed from thence to our purpose.* X. *All things necessary to a legal Oblation, concur in the Death of Christ.* XI. *His entrance into Heaven hath no correspondency with it; if the Blood of Christ were no Sacrifice for sin. In sin-offerings for the People, the whole was consumed; no eating of the Sacrifices allowed the Priests, but in those for private Persons.* XII. *Christ's Exercise of Power in Heaven, in no sense an Oblation to God.* XIII. Crellius, *his sense repugnant to the Circumstances of the places in dispute.* XIV. *Objections answered.*

Of the Oblation made by Christ unto God.

I. THE second thing to prove the *Death* of *Christ* a Sacrifice for sin, is the *Oblation of it to God* for that end. "*Grotius* to- "wards the conclusion of his Book, makes a twofold Oblati- "on of Christ, parallel to that of the Sacrifices under the Law, the "first of Mactation, the second of Representation; whereof the first "was done in the Temple, the second in the Holy of Holies; so the "first of Christ was on Earth, the second in Heaven; the first is not "a bare Preparation to a Sacrifice, but a Sacrifice: The latter not so "much a Sacrifice, as the Commemoration of one already past. Where- "fore, since appearing and interceeding are not properly sacerdotal "Acts, any further than they depend on the efficacy of a Sacrifice alrea- "dy offered, he that takes away that Sacrifice, doth not leave to Christ "any proper Priest-hood, against the plain Authority of the Scrip- "ture, which assigns to Christ the Office of a Priest distinct from that "of a Prophet and a King. To which *Crellius* replies: *That the Expiation of sin doth properly belong to what Christ doth in Heaven; and may be applied to the Death of Christ only, as the Condition by which he was to enjoy that Power in Heaven, whereby he doth expiate sins; but the Priest was never said to expiate sins when he killed the Beast, but when the Blood was sprinkled or carried into the Holy of Holies, to which the Oblation of Christ in Heaven does answer: But Mactation,* saith he, *was not proper to the Priests, but did belong to the* Levites *also. And Christ was not truly a Priest, while he was on Earth, but only prepared by his sufferings to be one in Heaven, where by the perpetual care he takes of his People, and exercising his Power for them, he is said to offer up himself, and intercede for them, and by that means he discharged the Office of a High-Priest for them. For his Priestly Office,* he saith, *is never in Scripture mentioned as distinct from his Kingly, but is comprehended under it; and the great difference between them is, that one is of a larger extension than the other is, the Kingly Office extending to punishing, and the Priestly only to Expiation.*

Crell. c. 10. sect. 45. *Ib. sect. 55.* *Ib. sect. 47.* *Ib. sect. 53.* *Ib. sect. 54* *Sect. 56.*

tion. This is the ſubſtance of what *Crellius* more at large diſcourſeth upon this Subject. Wherein he aſſerts theſe things, That the Prieſtly Office of Chriſt doth not in Reference to the Expiation of ſins reſpect *God* but us; his Interceſſion and Oblation wherein he makes the ſacerdotal Function of Chriſt to conſiſt, being the exerciſe of his power for the good of his People. 2. That Chriſt did offer up no Sacrifice of Expiation to God upon Earth, becauſe the *Mactation* had no reference to Expiation, any other than as a Preparation for it; and Chriſt not yet being conſtituted a *High-Prieſt* till after his Reſurrection from the Dead. Againſt theſe two Aſſertions I ſhall direct my following diſcourſe, by proving; 1. That the Prieſtly Office of Chriſt had a primary Reſpect to God, and not to us. 2. That Chriſt did exerciſe this Prieſtly Office in the Oblation of himſelf to God upon the Croſs.

II. 1. That the Prieſtly Office of Chriſt had a primary Reſpect *to God, and not to us*; which appears from the firſt Inſtitution of a *High-Prieſt*, mentioned by the *Apoſtle*, Heb. 5. 1. *For every High-Prieſt taken from among men, is ordained for men in things pertaining to God, that he may offer both gifts and Sacrifices for ſins: Id eſt*, ſaith *Crellius* elſewhere, *ut procuret & peragat ea quæ ad colendum ac propitiandum numen pertinent*; i. e. That he may perform the things which appertain to the *worſhipping* and *propitiating God:* We deſire no more, but that *the propitiating God*, may as immediately be ſaid to reſpect him, as the *worſhipping* of *God* doth; or let *Crellius* tell us, what ſenſe *the propitiating God* will bear; if all that the *High-Prieſt* had to do, did immediately Reſpect the People: Nay, he ſaith not long after, "That it was the chief "Office of a High-Prieſt, to plead the cauſe of Sinners with God, and "to take care, that they may find him kind and propitious, and not "angry or diſpleaſed. In what ſenſe *God* was ſaid to be *moved* by the Expiatory Sacrifices, is not here our buſineſs to diſcuſs; it is ſufficient for our purpoſe, that they were inſtituted with a Reſpect to God, ſo as to procure his Favour, and divert his Wrath. In which ſenſe, the Prieſt is ſo often in the *Levitical Law* ſaid, by the offering up of Sacrifices, to expiate the ſins of the People. But *Crellius* ſaith, "This "ought not ſo to be underſtood, as though God by Expiatory Sacri-"fices, were diverted from his anger, and inclined to Pardon; which is a plain Contradiction, not only to the words of the Law, but to the Inſtances that are recorded therein; as when *Aaron* was bid in the time of the *Plague to make an Atonement for the people, for there is wrath gone out from the Lord: And he ſtood between the Living and the Dead, and the Plague was ſtayed.* Was not God's Anger then diverted here, by the making this Atonement? The like inſtance we read in *David*'s time, that *by the offering burnt-offerings*, &c. *the Lord was intreated for the Land, and the Plague was ſtayed from* Iſrael: By which nothing can be more plain, than that the primary intention of ſuch Sacrifices, and conſequently of the Office of the *Prieſt* who offered them, did immediately Reſpect the *Atoning God:* But yet *Crellius* urgeth, "This "cannot be ſaid of all, or of the moſt proper Expiatory Sacrifices; but we ſee it ſaid of more than the meer *Sacrifices for ſin*, as appointed by the Law; *viz. of burnt-offerings, and peace-offerings, and incenſe*, in the Examples mentioned. So that theſe Levitical Sacrifices did all Reſpect the Atoning God; although in ſome particular Caſes, different Sacrifices were to be offered; for it is ſaid, *the burnt-offering was to make Atonement for them, as well as the ſin and treſpaſs-offerings* (excepting thoſe

That the Prieſtly Office of Chriſt had a primary reſpect to God and not us. *Crell. in Heb.* 5. 1.

Crell. c. 10. *ſect.* 3.

Numb. 16. 46. Verſ. 48.

2 Sam. 24. 25.

Lev. 1. 4. 4. 20. 5. 7.

Sacrifices which were inſtituted in acknowledgment of God's Sovereignty over them, and preſence among them, as the daily Sacrifices, the Meat and Drink offerings, or ſuch as were meerly occaſional, *&c.*)

1 Chron. 6. 49. Thus it is ſaid, that *Aaron and his Sons were appointed to make an Atonement for Iſrael:* So that as *Grotius* obſerves out of *Philo*, "The High-

Grot. in Heb. 5. 1. "Prieſt was a Mediator between God and Man, by whom Men might "propitiate God, and God diſpenſe his favours to men. But the means whereby he did procure Favours to Men, was by atoning God by the Sacrifices, which he was by his Office to offer to him. We are now to conſider, how far this holds in reference to Chriſt, for whoſe ſake the Apoſtle brings in theſe words; and ſurely would not have mentioned this as the primary Office of a High-Prieſt, in order to the proving Chriſt to be our *High-Prieſt*, after a more excellent manner than the *Aaronical* was, unleſs he had agreed with him in the nature of his Office, and exceeded him in the manner of performance.

Chriſt no barely metaphorical High-Prieſt.

III. For the *Apoſtle* both proves, that he was a true and proper, and not a bare *Metaphorical High-Prieſt*, and that in ſuch a Capacity, he very far exceeded the *Prieſts* after the Order of *Aaron*. But how could that poſſibly be, if he failed in the primary Office of a *High-Prieſt*; viz. *In offering up gifts and Sacrifices to God?* If his Office as *High-Prieſt* did primarily Reſpect men, when the Office of the *Aaronical Prieſt* did Reſpect *God?* To avoid this, *Crellius* makes

Crell. c. 10. ſect. 3. theſe words to be only an Alluſion to the Legal Prieſthood, and ſome kind of ſimilitude between Chriſt and the Aaronical Prieſts; but it is ſuch a kind of Alluſion, that the *Apoſtle* deſigns to prove Chriſt to be an *High-Prieſt* by it; and which is of the greateſt force, he proves the neceſſity of Chriſt's having ſomewhat to offer from hence: *For every*

Heb. 8. 2. *High-Prieſt is ordained to offer Gifts and Sacrifices; wherefore it is of neceſſity, that this Man have ſomewhat alſo to offer.* This is that which he looks at as the peculiar and diſtinguiſhing Character of a *High-Prieſt*; for interceding for others, and having Compaſſion upon them, might be done by others beſides the *High-Prieſt*; but this was that, without which he could not make good his name, what order ſoever he were of. If Chriſt then had no proper Sacrifice to offer up to God, to what purpoſe doth the *Apoſtle* ſo induſtriouſly ſet himſelf to prove, that he is our *High-Prieſt?* When he muſt needs fail in the main thing, according to his own Aſſertion? How eaſie had it been for the *Jews*, to have anſwered all the *Apoſtles* Arguments concerning the *Prieſthood* of Chriſt, if he had been ſuch a *Prieſt*, and made no other Oblation than *Crellius* allows him? When the *Apoſtle* proves againſt the *Jews*, that there was no neceſſity, that they ſhould ſtill retain the *Moſaical* Diſpenſation, becauſe now they had a more excellent *High-Prieſt* than the *Aaronical* were; and makes uſe of that Character of a *High-Prieſt*, that *he was one taken out from among men, in things pertaining to God to offer Gifts and Sacrifices for ſins:* "Well, *ſay the Jews*, we ac-"cept of this Character, but how do you prove concerning Chriſt, "that he was ſuch a one? Did he offer up a *Sacrifice for ſin* to God "upon Earth, as our *High-Prieſts* do? *No*, ſaith *Crellius*, *his ſufferings were only a Preparation for his Prieſthood in Heaven:* "But did he "then offer up ſuch a Sacrifice to God in Heaven? *Yes*, ſaith *Crellius*, *he made an Oblation there.* "But is that Oblation ſuch a Sacrifice "to God for ſin, as our *High-Prieſts* offer? Yes, ſaith *Crellius*, it may be called ſo *by way of Alluſion.* "Well then, ſay they, you grant "that

" that your *Jesus* is only a *High-Priest* by way of *Allusion*, which was " against your first design to prove; *viz.* That he was a true *High-Priest*, " and more excellent than ours. But suppose it be by way of Allusion, " doth he make any Oblation to God in Heaven or not? *No*, saith *Crellius*, *really and truly he doth not: For all his Office doth Respect us, but the benefits we enjoy coming originally from the kindness of God, you may call it an Oblation to God if you please.* " But how is it possible " then, say the *Jews*, you can ever convince us, that he is any *High-* " *Priest*, or *Priest* at all, much less, that he should ever exceed the *A-* " *aronical High-Priests* in their Office? For we are assured, that they do " offer *Sacrifices for sin*, and that God is atoned by them: But if your " *High-Priest* make no atonement for sin, he falls far short of ours, and " therefore we will still hold to our *Levitical Priesthood*, and not for- " sake that for one barely Metaphorical, and having nothing really " answering the name of a High-Priest. Thus the force of all the *A-* *postles* Arguments is plainly taken away, by what *Crellius* and his Brethren assert concerning the Priesthood of Christ. But *Crellius* thinks to make it good by saying, *That things that are improper and figurative, may be far more excellent than the things that are proper, to which they are opposed; so that Christ's Priesthood may be far more excellent than the Aaronical, although his be only figurative, and the other proper.* But the question is not, Whether Christ's *Priesthood* by any other adventitious Considerations, as of greater Power and Authority than the *Aaronical Priests* had, may be said to be far more excellent than theirs was; but, Whether in the notion of *Priesthood*, it doth exceed theirs? Which it is impossible to make good, unless he had some proper Oblation to make unto God, which in it self did far exceed all the Sacrifices and Offerings under the Law.

Crell. cap. 10. sect. 3. Id. sect. 56. p. 547.

IV. But what that Oblation of Christ in Heaven was, which had any correspondency with the Sacrifices under the Law, our Adversaries can never assign; nay, when they go about it, they speak of it in such a manner, as makes it very evident they could heartily have wished the Epistles to the *Hebrews* had said as little of the *Priesthood* of *Christ*, as they say, any other part of the New-Testament doth. Thence *Smalcius* and *Crellius* insist so much upon *the Priesthood of Christ, being distinctly mentioned by none but the Author to the Hebrews; which*, say they, *had surely been done, if Christ had been a proper Priest, or that Office in him distinct from his Kingly.* Which sufficiently discovers what they would be at; *viz.* That the Testimony of the Author to the *Hebrews*, is but a single Testimony in this matter; and in truth, they do (as far as is consistent with not doing it in express words) wholly take away the *Priesthood* of Christ: For what is there which they say his *Priesthood* implies, which he might not have had, supposing he had never been called a *Priest?* His *being in Heaven*, doth not imply that he is a *Priest*, unless it be impossible for any but *Priests* ever to come there: *His Power and Authority over the Church*, doth not imply it; for that Power is by themselves confessed to be a Regal Power: *His readiness to use that power*, cannot imply it, which is the thing *Smalcius* insists on; for his being a King of the Church, doth necessarily imply his readiness to make use of his Power for the good of his Church. *His receiving his power from God*, doth not imply that he was a Priest, although *Crellius* insist on that, unless all the Kings of the Earth are Priests by that means too, and Christ could not have had a subordinate

Crellius destroys the Priesthood of Christ.

Smalc. c. Smiglet. Crell. cap. 10. p. 544.

Power

Power as King, as well Prieſt. But *his death is more implied*, ſaith *Crellius*, *in the name of a Prieſt than of a King*; true, if his death be conſidered as a *Sacrifice*, but not otherwiſe: For what is there of a *Prieſt* in bare dying, do not others ſo too? *But this repreſents greater tenderneſs and care in Chriſt, than the meer Title of a King*: What kind of *King* do they imagine *Chriſt* the mean while, if his being ſo, did not give the greateſt encouragement to all his Subjects? Nay, it is plain the name of a *King* muſt yield greater comfort to his people, becauſe that implies his power to defend them, which the bare name of a *Prieſt* doth not. So that there could be no reaſon at all given, why the name of a *High-Prieſt* ſhould be at all given to Chriſt, if no more were implied in it, than *the exerciſe of his power with reſpect to us*, without any proper Oblation to God: For here is no proper Sacerdotal Act at all attributed to him; ſo that upon their *Hypotheſis*, the name of *High-Prieſt*, is a meer inſignificant Title uſed by the Author to the *Hebrews*, without any Foundation at all for it. *By no means*, ſaith *Crellius*, *for his expiation of ſin is implyed by it, which is not implyed in the name of King*: True, if the expiation of ſin were done by him in the way of a *Prieſt* by an Oblation to God, which they deny; but though they call it *Expiation*, they mean no more than the *exerciſe of his Divine Power* in the delivering his People. But what parallel was there to this in the *Expiation* of ſins by the *Levitical Prieſthood*? That was cetainly done by a Sacrifice offered to *God* by the *Prieſt*, who was thereby ſaid *to expiate the ſins of the People*: How comes it now to be taken quite in another ſenſe, and yet ſtill called by the ſame name?

Levit. 4. 26. v. 34, 35.

No proper expiation of ſin belongs to Chriſt in Heaven, if *Crellius* his doctrine be true.

V. But this being the main thing inſiſted on by them, I ſhall prove from their own Principles, that no *Expiation* of ſin in their own ſenſe can belong to Chriſt in Heaven, by virtue of his Oblation of himſelf there, and conſequently that they muſt unavoidably overthrow the whole notion of the *Prieſthood* of Chriſt. For this we are to conſider, what their notion of the *Expiation* of ſins is, which is ſet down briefly by *Crellius* in the beginning of his diſcourſe of *Sacrifices*, "There is a twofold Power, *ſaith he*, of the Sacrifice of Chriſt towards the Expiation of ſin, one taking away the guilt and the puniſhment of ſin, and that partly by declaring, that God will do it, and giving us a right to it, partly by actual deliverance from puniſhment; the other is by begetting Faith in us, and ſo drawing us off from the Practice of ſin: Now the firſt and laſt *Crellius* and *Socinus* attribute to the Death of Chriſt, as that was a Confirmation of the Covenant God made for the remiſſion of ſin; and as it was an argument to perſwade us to believe the truth of his Doctrine; and the other, viz. *the actual deliverance from puniſhment*, is by themſelves attributed to *the ſecond coming* of Chriſt; for then only, they ſay, the juſt ſhall be actually delivered from the puniſhment of ſin, viz. *eternal death*; and what Expiation is there now left to the Oblation of Chriſt in Heaven? Doth Chriſt in Heaven declare the pardon of ſin any other way than it was declared by him upon Earth? What efficacy hath his Oblation in Heaven upon perſwading men to believe? Or is his *ſecond coming* when he ſhall ſit as Judge, the main part of his *Prieſthood*; for then the Expiation of ſins in our Adverſaries ſenſe is moſt proper? And yet nothing can be more remote from the notion of Chriſt's *Prieſthood*, than that is; ſo that Expiation of ſins according to them can have no Reſpect at all to the Oblation of Chriſt in Heaven, or (which is all one in their

Crell. c. 10. *ſect.* 2.

ſence)

sence) his continuance in Heaven to his second coming. *Yes*, saith *Crellius*, *his continuance there, is a condition in order to the Expiation by actual deliverance, and therefore it may be said, that God is as it were moved by it to expiate sins.* The utmost then, that is attributed to Christ's being in Heaven in order to the Expiation of sins, is that he must continue there without doing any thing in order to it; for if he does, it must either respect God or us: But they deny (though contrary to the importance of the words, and the design of the places where they are used) that the terms of *Christ's interceding for us*, or *being an Advocate with the Father for us*, do note any respect to God, but only to us; if he does any thing with respect to us in Expiation of sin, it must be either declaring, perswading, or actual deliverance; but it is none of these by their own Assertions; and therefore that which they call *Christ's Oblation*, or *his being in Heaven*, signifies nothing as to the *Expiation* of sin: And it is unreasonable to suppose that a thing, which hath no influence at all upon it, should be looked on as a Condition in order to it. From whence it appears, that while our Adversaries do make the Exercise of *Christ's Priesthood* to respect *us* and not *God*, they destroy the very nature of it, and leave Christ only an empty name without any thing answering it: But if Christ be truly a *High-Priest*, as the *Apostle* asserts that he is, from thence it follows that he must have a respect to *God* in *offering up Gifts and Sacrifices for sins:* Which was the thing to be proved.

Crell. c. 10. sect. 3. p. 476.

Heb. 7. 25. Rom. 8. 3. 1 Joh. 2. 1.

VI. 2. That Christ did Exercise his *Priestly Office* in the Oblation of himself *to God* upon the Cross. Which I shall prove by two things. 1. Because the Death of Christ is said in Scripture to be an Offering, and a Sacrifice to God. 2. Because Christ is said to offer up himself antedecently to his entrance into Heaven. 1. Because the Death of Christ is said *to be an offering and a Sacrifice to God*, which is plain from the words of St. *Paul*, *as Christ also hath loved us, and given himself for us an offering and a Sacrifice to God, for a sweet-smelling savour.* Our Adversaries do not deny that the Death of Christ is here called an *Oblation*, but they deny, "That it is meant of an Expiatory Sacrifice, "but of a Free-will offering; *and the reason* Crellius *gives is*, because "that phrase of a sweet-smelling Savour is generally and almost always used of Sacrifices which are not Expiatory; but if ever they "be used of an Expiatory Sacrifice, they are not applied to that which "was properly Expiatory in it, *viz.* the offering up of the Blood, for "no smell, *saith he*, went up from thence, but to the burning of the "Fat, and the Kidneys, which although required to perfect the Expiation, yet not being done till the High-Priest returned out of the "Holy of Holies, hath nothing correspondent to the Expiatory Sacrifices of Christ, where all things are perfected before Christ the High-"Priest goes forth of his Sanctuary. How inconsistent these last words are with what they assert concerning the *Expiation* of sin by actual deliverance at the great day, the former discourse hath already discovered. For what can be more absurd, than to say, *that all things which pertain to the Expiation of sin perfected before Christ goes forth from his Sanctuary*, and yet to make the most proper *Expiation* of sin to lie in that act of Christ which is consequent to his going forth of the *Sanctuary*, *viz.* When he proceeds to judge the quick and the dead. But of that already. We now come to a punctual and direct answer, as to which two things must be enquired into. 1. What the importance of the

Ephes. 5. 2.

Proves the death of Christ an Expiatory Sacrifice and an oblation to God. Eph. 5. 2.

Crell. c. 10. sect. 47.

phrase

phraſe of a *ſweet-ſmelling ſavour* is? 2. What the *Sacrifices* are to which that phraſe is applied? 1. For the importance of the phraſe. The firſt time we read it uſed in the Scripture was upon the occaſion of *Noah*'s Sacrifice after the Flood, of which it is ſaid, *that he offered burnt-offerings on the Altar, and the Lord ſmelled a ſavour of the reſt, or a ſweet ſavour.* Which we are not wont to imagine in a groſs corporeal manner, as *Crellius* ſeems to underſtand it, when he ſaith, *the Blood could not make ſuch a ſavour as the Fat and the Kidnes*; for ſurely none ever thought the ſmell of Fleſh burnt was a *ſweet-ſmelling ſavour* of it ſelf, and we muſt leaſt of all imagine that of *God*, which *Porphyry* ſaith, was the property only of the worſt of *Dæmons* to be *pleaſed*, and as it were, *to grow Fat, τοῖς ἐν τῷ αἵματι καὶ σαρκῶν ἀτμοῖς, with the ſmell and Vapours of Blood, and Fleſh,* (by which Teſtimony, it withal appears, that the ſame *ſteams* in Sacrifices were ſuppoſed to ariſe from the *Blood* as the *Fleſh:*) But we are to underſtand that Phraſe in a ſenſe agreeable to the divine Nature, which we may eaſily do, if we take it in the ſenſe the Syriack Verſion takes it in, when it calls it, *Odorem placabilitatis*, or *the ſavour of reſt*, as the word properly ſignifies; for נִיחֹחַ is the word formed from the Verb נוּחַ which is uſed for the *reſting* of the Ark, *v.* 4. of the ſame Chapter, and ſo it imports a *reſt* after ſome *Commotion*, and in that ſenſe is very proper to *Atonement*, or that whereby God make *his anger to reſt*; ſo *Aben Ezra* upon that place expounds *the Savour of reſt, to be ſuch a one which makes God ceaſe from his Anger:* Thence in Hiphil הֵנִיחַ ſignifies to *appeaſe*, or *to make peace*; in which ſenſe it is uſed by *R. Solom.* upon *Iſa.* 27. 5. *Munſter* tells us the ſenſe is, *Deus nunc quievit ab ira & placatus fuit*, and to the ſame purpoſe *Vatablus:* Which ſenſe is moſt agreeable to the deſign of the following word, in which God expreſſeth his great kindneſs, *and the Lord ſaid in his Heart, I will not again curſe the Ground any more for Mans ſake*; which are word highly expreſſing, how much God was propitiated by the Sacrifice which *Noah* offered, and therefore *Joſephus* doth well interpret this to be a proper *Expiatory Sacrifice*; that *God would now be atoned, and ſend no more ſuch a deluge upon the World*; which he ſaith was the ſubſtance of *Noah*'s *Prayer*, when he offered this Burnt-offering, and *that God would receive his Sacrifice, καὶ μηδεμίαν ὀργὴν ἔτι τῇ γῇ δικαίαν λάβειν, That he would no more receive ſuch diſpleaſure againſt the Earth:* So that the firſt time ever this Expreſſion was uſed, it is taken in the proper ſenſe of an *Expiatory Sacrifice.*

Gen. 8. 20, 21.

Porphyr. de abſtinent. l. 2. ſect. 42.

Joſeph. Antiq. Jud. l. 1 c. 4.

Crellius his miſtakes about the kinds of ſacrifics.

VII. And by that the ſecond enquiry may be eaſily reſolved; *viz.* What kind of *Sacrifices* it doth belong to, which we ſee in the firſt place is, to Expiatory, which *Crellius* denies by a great miſtake of the ſenſe of the Phraſe, and of the nature of the *Offerings*, concerning which this Expreſſion is moſt uſed; *viz. Holocauſts*, as though thoſe were not Expiatory Sacrifices: But if we can make it appear, that the *Holocauſts* were *Expiatory Sacrifices*, then it will follow, that this Phraſe doth moſt properly agree to a Sacrifice deſigned for Expiation. But *Crellius* here ſpeaks very confuſedly concerning Sacrifices, oppoſing *Holocauſts* and *Freewill-offerings* to Expiatory Sacrifices; whereas the *Freewill-offerings* might be *Expiatory* as well as *Euchariſtical*; that denomination not reſpecting the end the Sacrifices we deſigned for, but that the preciſe time of offering them was not determined by the Law; as in the ſtated and ſolemn Sacrifices. For the general diſtribution of Sacrifices, ſeems proper into *Propitiatory* and *Euchariſtical*; which diſtinction is thought

thought by some to hold from the first time we read of Sacrifices in Scripture; because the Sacrifice of *Cain was of the Fruits of the Ground, and of* Abel, *of the Firstlings of his Flock.* Although there seems to be nothing meant by this difference of Sacrifices, but the diversity of their imployments, either of them Sacrificing according to them; and I cannot say what some do, that the reason of God's rejecting *Cain*'s *Sacrifice*, was because it was not designed for Expiation. But the Practice of after Ages, wherein we have a fuller account of the Grounds of the several Sacrifices, makes it appear, that the Expiatory Sacrifices before the Law, were all *Burnt-offerings*; and of all those who were not under the particular obligation of that Law: As is plain in the Expiatory Sacrifices of *Job* for his Sons, and for his Friends, which were *Burnt-offerings*; and among the *Jews*, all the Sacrifices that were offered up before the *Levitical Law*, were, as the *Jews* themselves tell us, only *Burnt-offerings*: And after the settling of their Worship among themselves, they did receive *Burnt-offerings* for Expiation from strangers, as Mr. *Selden* at large proves from the *Jewish Writers*. It seems then very strange, that since *Burnt-offerings* before the Law were Expiatory, and under the Law they continued so for strangers, they should be of another nature for the *Jews* themselves. But what reason is there for it in the Text? Not the least that I can find, but expresly the contrary. For in the beginning of *Leviticus*, where the Law for *Burnt-offerings* is delivered, the words are, *And he shall put his hand upon the head of the Burnt-offering, and it shall be accepted for him, to make Atonement for him*; which is as much as is ever said of any Expiatory Sacrifices: And in the Verse before, where we render לרצנו *of his own voluntary will*; it is by the vulgar *Latin* rendred, *Ad placandum sibi Dominum*; by the *Syriack* Version, *Ad placationem sibi obtinendam à Domino*; and to the same purpose by the *Chaldee Paraphrast*; but no one Version considerable that so renders it, as to make *Burnt-offerings* to be Freewill-offerings here, which are spoken of distinctly, and by themselves afterwards: And the *Chaldee Paraphrast*, *Jonathan* thus explains, *This is the Law of the Burnt-offering*; i. e. *Quod venit ad expiandum pro cogitationibus cordis*; but although the *Jews* be not fully agreed what the *Burnt-offerings* were designed to expiate, yet they consent that they were of an Expiatory nature. Which might make us the more wonder, that *Crellius* and others should exclude them from it, but the only reason given by him is, *because they are distinguished from Sacrifices for sin*, as though no Sacrifices were of an Expiatory nature but they, and then the *Trespass-offerings* must be excluded too, for they are distinguished from *Sin-offerings* as well as the other. The ignorance of the *Jews* in the reason of their own Customs, hath been an occasion of great mistakes among Christians, concerning the nature of them; when they judge of them according to the blind or uncertain Conjectures which they make concerning them: So that the Text is oft-times far clearer than their Commentaries are. Setting aside then the intricate and unsatisfactory niceties of the *Jewish* Writers, about the several reasons of the *Burnt-offerings* and *Sin* and *Trespass-offerings*, and the differences they make between them, which are so various and incoherent, I shall propose this Conjecture concerning the different reasons of them, *viz.* That some *Sacrifices* were assumed into the *Jewish* Religion, which had been long in use in the World before, and were common to them with the *Patriarchs*, and all those who in that age of the World did fear and

Gen. 4. 3, 4.

Job 1. 5. 42. 8.

Selden de jure nat. & gent. apud Ebræ. l. 3. c. 2. & c. 6.

Levit. 1. 4.

Lev. 7. 16. 22. 18, &c. Lev. 6. 7.

Crell c. 10. p. 530.

ſerve God, and ſuch were the *Burnt-offerings* for Expiation of ſin, and the Fruits of the Earth by way of gratitude to God. Other Sacrifices were inſtituted among them, with a particular reſpect to themſelves, as a people governed by the Laws of God: And theſe were of ſeveral ſorts; 1. *Symbolical*, of God's preſence among them, ſuch was *the daily Sacrifice*, inſtituted as a Teſtimony of God's preſence, *Exod.* 29. from *v.* 38. to the end. 2. *Occaſional*, for ſome great mercies vouchſafed to them, as the *Paſſover* and the Solemn *Feſtivals*, &c. 3. *Expiatory*, for the ſins committed againſt their *Law*: And theſe were of three ſorts; 1. Such as were wholly conſumed to the Honour of God, which were *the Burnt-offerings*. 2. Such, of which ſome part was conſumed upon the *Altar*, and ſome part fell to the ſhare of the *Prieſts*; and theſe were either ſins particularly enumerated by God himſelf, under the אשם, or elſe generally comprehended under the חטאת as being allowed to be expiated, becauſe committed through inadvertency. 3. Such, whereof a leſs part was conſumed, as in the *Peace-offerings of the Congregation*, mentioned, *Levit.* 23. 19. whereof *the Blood was ſprinkled, only the inwards burnt, and the Fleſh not eaten by the perſons that offered them*, as it was in the *Peace-offering* of particular perſons (of which as being *private Sacrifices*, I have here no occaſion to ſpeak) but only *by the Prieſts in the Court*: And theſe had ſomething of Expiation in them: For thence, ſaith *Vatablus*, the *Peace-offering* was called by the Greeks τελειῶν, *i. e. Expiatorium*, and the LXX. commonly render it, θυσία σωτηρίου, and ſeveral of the *Jews* think the reaſon of the name was, *That it made peace between God and him that offered it*: But the great reaſon I inſiſt on, is, Becauſe all the things which were uſed in an Expiatory Sacrifice, were in this too; the ſlaying of the Beaſt, the ſprinkling of the Blood, and the conſumption of ſome part of it upon the Altar as an Oblation to God, which are the three ingredients of an *Expiatory Sacrifice*; for the *ſhedding of the Blood*, noted the bearing the puniſhment of our iniquity; and, *the ſprinkling of it on the Altar*, and *the conſuming of part of the Sacrifice, or the whole there*, that it was deſigned for the Expiation of ſin. From whence it follows, that the Phraſe of a *ſweet-ſmelling ſavour*, being applied under the Law to *Expiatory Sacrifices*, is very properly uſed by St. *Paul*, concerning Chriſt's giving up himſelf for us, ſo that from this Phraſe, nothing can be inferred contrary to the Expiatory Nature of the Death of Chriſt, but rather it is fully agreeable to it.

What influence the mactation of the ſacrifice had on expiation. *Crell. c.* 10. *p.* 533.

VIII. But *Crellius* hath yet a farther Argument, to prove that Chriſt's Death cannot be here meant as the Expiatory Sacrifice; *viz. That the notion of a Sacrifice, doth conſiſt in the Oblation whereby the thing is conſecrated to the Honour and Service of God, to which the Mactation is but a bare preparation*, which he proves, *Becauſe the ſlaying the Sacrifice might belong to others beſides the Prieſts*, Ezek. 44. 10, 11. *but the Oblation only to the Prieſts*. To this I anſwer, 1. The *Mactation* may be conſidered two ways, either with a reſpect to the bare *inſtrument* of taking away the life, or to the deſign of the *Offerer* of that which was to be ſacrificed: As the *Mactation* hath a reſpect only to the inſtruments, ſo it is no otherways to be conſidered than as a *puniſhment*; but as it hath a Reſpect to him that deſigns it for a Sacrifice, ſo the ſhedding of the Blood, hath an immediate influence on the Expiation of ſin. And that by this clear Argument, *The Blood is ſaid to make an Atonement for the Soul*; and the reaſon given is, becauſe *the Life of the Fleſh is in the Blood*: So that

Levit. 17. 11.

which

which was *the life*, is the great thing which makes the *Atonement*; and when the *Blood* was shed, the *life* was then given; from whence it follows, that the great Efficacy of the Sacrifice for *Atonement* lay in the *shedding of the Blood* for that end. Thence the *Apostle* attributes remission of sins to the αἱματεκχυσίαν, *the shedding of the Blood*; and not to the bare *Oblation* of it on the Altar, or the carrying it into the Holy of Holies, both which seem to be nothing else but a more solemn Representation of that *Blood* before God, which was already shed for the Expiation of sins, which was therefore necessary to be performed, that the concurrence of the *Priest* might be seen with the Sacrifice in order to Expiation. For if no more had been necessary but the bare slaying of the Beasts, which was the meanest part of the Service, the people would never have thought the institution of the *Priesthood* necessary, and least of all that of the *High-Priest*, unless some solemn Action of his had been performed, such as the entring into the Holy of Holies, on the day of Expiation, and carrying it, and sprinkling the Blood of the *sin-offering* in order to the Expiation of the sins of the People. And it is observable, that although the *Levitical Law* be silent in the common Sacrifices, who were to kill them whether the *Priests* or the *Levites*; yet on that day whereon the *High-Priest* was to appear himself for the Expiation of sin, it is expresly said, *that he should not only kill the Bullock of the sin-offering, which is for himself, but the Goat of the sin-offering, which is for the people.* And although the *Talmudists* dispute from their Traditions on both sides, whether any one else might on the day of Expiation, slay the sin-offerings besides the High-Priest; yet it is no news for them to dispute against the Text, and the *Talmud* it self is clear, *that the High-Priest did it.* From whence it appears, there was something peculiar on that day as to the slaying of the *sin-offerings*; and if our Adversaries opinion hold good, *that the Sacrifices on the day of Expiation did, if not atone, yet chiefly represent the Sacrifice of Christ*, no greater argument can be brought against themselves than this is, for the Office of the *High-Priest* did not begin at his carrying the *Blood* into the *Holy of Holies*, but the *slaying* the *Sacrifice* did belong to him too: From whence it will unavoidably follow, that Christ did not enter into his Office of *High-Priest*, when he entred into Heaven, but when the Sacrifice was to be slain which was designed for the Expiation of sins. It is then to no purpose at all, if *Crellius* could prove that sometimes in ordinary Sacrifices, (which he will not say, the Sacrifice of Christ was represented by) the *Levites* might kill the Beasts for Sacrifice; for it appears, that in these Sacrifices, wherein themselves contend that Christ's was represented, the Office of the *High-Priest* did not begin with entring into the *Sanctuary*, but with the *Mactation* of that Sacrifice whose Blood was to be carried in thither. Therefore if we speak of the bare instruments of *Mactation* in the Death of Christ, those were the *Jews*, and we make not them *Priests* in it, for they aimed at no more than taking away his life (as the *Popæ* among the *Romans*, and those whose bare Office it was to kill the Beasts for Sacrifice among the *Jews* did:) but if we consider it with a Respect to him that offered up his Life to God, then we say, that Christ was the *High-Priest* in doing it; it being designed for the Expiation of sin; and by virtue of this *Blood shed* for that end, he enters into Heaven as the *Holy of Holies*, there *ever living to make intercession for us.* But the virtue of the consequent Acts, depends upon the

Heb. 9 2-6

Levit. 16. 11, 15.

Codex Jorma cap. 4. sect. 3. cap. 5. sect. 4.

Efficacy of the *Blood* ſhed for Expiation; otherwiſe the *High-Prieſt* might have entred with the ſame effect into the *Holy of Holies* with any other Blood beſides that which was ſhed on purpoſe as a *ſin-offering*, for Expiation of the ſins of the people; which it was unlawful for him to do. And from hence it is, that the *Apoſtle* to the *Hebrews* inſiſts ſo much on the Compariſon between the *Blood of Chriſt*, and the *Blood* of the *Legal Sacrifices*, and the Efficacy of the one far above the other, in its power of Expiation; which he needed not to have done, if the ſhedding of his Blood, had been only a Preparation for his entrance on his *Prieſthood* in Heaven. So that the proper notion of a *Sacrifice for ſin*, as it notes the giving the Life of one for the Expiation of the ſins of another, doth properly lie in the *Mactation*, though other ſacrificial Acts may be conſequent upon it. So it was in the *animales hoſtiæ* among the *Romans*, in which, ſaith *Macrobius*, *Sola anima Deo ſacratur:* of which he tells us *Virgil* properly ſpeaks in thoſe words,

Heb. 9. 13, 14. 10. 4, 10.

Macrob. Saturn. l. 3. c. 5.

Hanc tibi Eryx meliorem animam pro morte Daretis.

And that we may the better underſtand what he means by the *anima* here, he ſaith elſewhere (as *Macrobius* and *Servius* obſerve out of his excellent Skill and accuracy in the *Pontifical* rites)

Sanguine placaſtis ventos & virgine cæſa,
Cum primum Iliacas Danai veniſtis ad oras:
Sanguine quærendi reditus, animaque litandum
Argolica.

Which ſhews, that the Expiation was ſuppoſed to lie in the *Blood* which they called the *Soul*, as the Scripture doth. And the *Perſians*, as *Strabo* tells us, looked upon the bare *Mactation* as the Sacrifice, for they did not *porricere* as the *Romans* called it, they laid none of the parts of the Sacrifice upon the Altar to be conſumed there, τὴν γὰρ ψυχὴν φασὶ τῷ ἱερείῳ δίδοσθαι τὸν Θεὸν ἄλλο δ' οὐδέν. *For God regarded nothing but the Soul in the Sacrifice:* Which words *Euſtathius* likewiſe uſeth upon *Homer*, of the Sacrifices of the *Magi*. And *Strabo* affirms of the ancient *Luſitani*, that they cut off nothing of the Sacrifice, but conſumed the entrails whole; but though ſuch Sacrifices which were for divination were not thought Expiatory, and therefore different from the *animales hoſtiæ*, yet among the *Perſians*, every Sacrifice had a Reſpect to Expiation of the whole People. For *Herodotus* tells us, that every one that offers Sacrifice among them, πᾶσι τοῖσι Πέρσησι καταύχεται εὖ γίνεσθαι καὶ τῷ βασιλεῖ, *prays for good to all Perſians and the King.* But thus much may ſerve to prove againſt *Crellius*, that the *Mactation* in an Expiatoty Sacrifice, was not a meer Preparation to a Sacrifice, but that it was a proper Sacrificial Act, and conſequently that Chriſt acted as High-Prieſt, when he gave himſelf for us, an offering and a Sacrifice to God for a *ſweet-ſmelling ſavour.*

Strabo, l. 15. Euſtath. in Hom. Iliad. 1. Strabo, l. 3. Herod. l. 1.

Whether Chriſt's Oblation of himſelf once to God, were in Heaven or on Earth.

IX. But this will further appear from thoſe places wherein Chriſt is ſaid *to offer up himſelf once to God:* The places to this purpoſe are, Heb. 7. 27. *Who needeth not daily as thoſe High-Prieſts to offer up Sacrifice, firſt for his own ſins, and then for the peoples, for this he did once, when he offered up himſelf.* Heb. 9. 14. *How much more ſhall the Blood of Chriſt, who through*

through the eternal Spirit offered himself without spot to God, purge your Conscience from dead works, to serve the living God. V. 25, 26, 27, 28. *Nor yet that he should offer himself often, as the High-Priest entreth into the holy place every year with the Blood of others; for then must he often have suffered since the Foundation of the World: But now once in the end of the World hath he appeared to put away sin by the Sacrifice of himself. And as it is appointed to men once to die, but after this the Judgment: So Christ was once offered to bear the sins of many, and unto them that look for him he shall appear the second time without sin unto Salvation.* Heb. 10. 10, 11, 12. *By the which will we are sanctified through the offering of the Body of Jesus Christ once for all. And every High-Priest, standeth daily ministring and offering oftentimes the same Sacrifices, which can never take away sins: But this Man after he had offered one Sacrifice for sins for ever, sate down on the right hand of God.* To these places *Crellius* gives this answer, "That the name of Oblation as applied to Christ, primarily signifies Christ's first entrance into Heaven, and appearance before the Face of God, there, but consequently the continuance of that appearance; so that when a thing is once actually exhibited and presented, it is said to be once offered, although being offered, it always remains in the same place, and so may be said to be a continual Oblation. But this first appearance, *saith he*, hath a peculiar agreement with the Legal Oblation; and therefore the name of Oblation doth most properly belong to that, because Christ by this means obtained that power on which the perfect Remission of our sins depends: But although the continuance of that appearance, seems only consequently to have the name of Oblation belonging to it, yet in its own nature, it hath a nearer Conjunction with the effect of the Oblation, *viz.* the remission of sins, or deliverance from punishment, and doth of it self confer more to it than the other. And therefore in regard of that, Christ is said most perfectly to exercise his Priesthood, and to offer and intercede for us, from the time he is said to sit down at the right Hand of God. Against this answer, I shall prove these two things, 1. That it is incoherent, and repugnant to it self. 2. That it by no means agrees to the places before mentioned. 1. That it is incoherent and repugnant to it self in two things. 1. In making that to be the proper *Oblation* in correspondency to the Oblations of the Law, which hath no immediate Respect to the Expiation of sins. 2. In making that to have the most immediate respect to the Expiation of sins, which can in no tolerable sense be called an *Oblation*. For the first, since *Crellius* saith, that the proper notion of *Oblation* is to be taken from the *Oblations* in the *Levitical Law*, we must consider what it was there, and whether *Christ's* first entrance into Heaven can have any correspondency with it. An *Oblation* under the *Law* was in general, any thing which was *immediately dedicated to God*, but in a more limited sense it was proper to what was dedicated to him by way of *Sacrifice* according to the appointments of the *Levitical Law*. We are now enquiring what was properly called an *Oblation* in other Sacrifices, but in those which then were for Expiation of sin; And in the Oblation was, first of the persons for whom the Sacrifice was offered. So in the *Burnt-offering*, the person who brought it, *was to offer it at the door of the Tabernacle of the Congregation*: i. e. as the *Jews* expound it, at the entrance of the Court of the *Priests*, and there he was *to lay his hands upon the head of it, and it shall be accepted for*

Crell. cap. 10. sect. 54.

Lev. 1. 3.

Vers. 4.

for him to make Atonement for him. This Offering was made before the Beaſt was ſlain; after the killing the Beaſt, then *the Prieſts were to make an Offering of the Blood, by ſprinkling it round about the Altar of Burnt-offerings*; the reſt of the *Blood*, ſay the *Jews*, was poured out by the *Prieſts*, at the South-ſide of the *Altar* upon the Foundation, where the two holes were for the paſſage into the Channel, which convey'd the Blood into the Valley of *Kidron*; thus the *Blood* being offered, the *parts* of the Beaſt, were by the *Prieſts to be laid upon the Altar, and there they were all to be conſumed by Fire*; *and then it was called an Offering made by Fire, of a ſweet Savour unto the Lord.* The ſame Rites were uſed in the *Peace-offerings*, and *Treſpaſs-offerings*, as *to the laying on of hands*, and *the ſprinkling the Blood*, and *conſuming ſome part by Fire:* and in the *ſin-offerings*, there was to be the ſame impoſition of hands: But concerning the *ſprinkling of the Blood*, and the way of conſuming the remainders of the Sacrifice; there was this conſiderable difference; that in the common *ſin-offerings* for particular Perſons, *the* Lev. 4.25, 30. *Blood was ſprinkled upon the horns of the Altar of Burnt-offerings*, but *in the ſin-offerings for the High-Prieſt and the Congregation, or all the Peo-* Verſe 6. *ple*, he was to carry *the Blood within the Sanctuary, and to ſprinkle of it ſeven times before the Veil of the Sanctuary*; *and ſome of the Blood was to be put upon the horns of the Altar of Incenſe*; but the remainder of the *Blood*, and the ſame things (which were offered by Fire in *Peace-offerings*) were to be diſpoſed of accordingly, on the Altar of *Burnt-offerings.* And withal, there was this great difference, that in other *ſin-offerings* the *Prieſts* were *to eat the remainder of the Sacrifice in the Holy place*; but in theſe there was *nothing* to be *eaten* by them; for Lev. 6 26. the *whole Bullock was to be carried forth without the Camp, and there he* Lev 4, 11, 12. *was to be burned till all were conſumed.* For it was an expreſs Law, *That no ſin-offerings, whereof any of the Blood is brought into the Tabernacle of* Lev. 6. 30. *the Congregation, to reconcile withal in the Holy-place, ſhall be eaten: It ſhall be burnt in the Fire.* All the difference that was on the great day Lev. 16. 14, 15. of *Atonement*, was this, that the *High-Prieſt* himſelf was to ſlay the *ſin-offerings*, and then *to carry the Blood of them into the Holy of Holies, and there was to ſprinkle the Blood with his Finger towards the mercy-ſeat ſeven times: After which, & the ſending away the Scape-goat, the Ceremonies were the ſame for the Atonement of the People, which were at other ſolemn ſin-offerings, for the Prieſt or the People.*

X. From all which being thus laid together, we ſhall obſerve ſeveral things, which are very material to our purpoſe:

All things neceſſary to a legal oblation concur in the death of Chriſt.

1. That in the Oblations which are made for Expiation of ſins, the difference between the Mactation and the Oblation, did ariſe from the difference between the *Prieſt* and the *Sacrifice.* For the *Prieſt*'s Office was to *atone*, but he was to *atone* by the *Sacrifice*; on which account, although the *Prieſt* were to offer the Sacrifice for himſelf, yet the Oblation did not lie in the bare preſenting himſelf before God, but in the preſenting the *Blood* of that Sacrifice, which was ſhed in order to Expiation. If we could have ſuppoſed, that the *High-Prieſt* under the Law, inſtead of offering a Goat for a *ſin-offering* for the People, on the day of *Atonement*, ſhould have made an Oblation of himſelf to God, by dying for the Expiation of their ſins: In this caſe, his death being the Sacrifice, and himſelf the *Prieſt*, the *Mactation*, as it relates to his own Act and his *Oblation* had been one and the ſame thing. For his death had been nothing elſe, but the offering up himſelf to God,

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in order to the Expiation of the ſins of the people; and there can be no reaſon, why the Oblation muſt be of neceſſity ſomething conſequent to his Death, ſince all things neceſſary to a perfect *Oblation* do concur in it. For where there is ſomething ſolemnly devoted to God, and in order to the Expiation of ſins, and by the hand of a *Prieſt*, there are all things concurring to a Legal Oblation; but in this caſe, all theſe things do concur, and therefore there can be no imaginable neceſſity of making the Oblation of Chriſt, only conſequent to his Aſcenſion, ſince in his Death all things concur to a proper Oblation. In the Law, we grant that the Oblation made by the *Prieſt*, was conſequent to the Death of the Beaſt for Sacrifice; but the reaſon of that was, becauſe the Beaſt could not offer up it ſelf to *God*, and *God* had made it neceſſary, that the Prieſt ſhould expiate ſins, not by himſelf, but by thoſe Sacrifices, and therefore the Oblation of the Blood was after the Sacrifice was ſlain; neither could this have been ſolved barely *by the Prieſt ſlaying the Sacrifices*; for this being an Act of Violence towards the Beaſts that were thus killed, could not be a proper Oblation, which muſt ſuppoſe a conſent antecedent to it. All which ſhewed the great imperfection of the *Levitical Law*, in which ſo many ſeveral things were to concur, to make up a *Sacrifice for ſin*; *viz.* The *firſt offering* made by the *party* concerned, of what was under his Dominion, *viz.* The Beaſt to be Sacrificed *at the door of the Tabernacle of the Congregation*, but the Beaſt not being able to offer up it ſelf, it was neceſſary for the offering up its *Blood*, that it muſt be *ſlain* by others; and for the better underſtanding, not only of the Efficacy of the *Blood*, but the Concurrence of the *Prieſt* for *Expiation*, he was *to take the Blood, and ſprinkle ſome of it on the Altar*, and pour out the reſt at the Foundation of it. But ſince we aſſert a far more noble and excellent Sacrifice, by the Son of God freely offering up himſelf, to be made a Sacrifice for the ſins of the World, why may not this be as proper an *Oblation* made unto *God*, as any was under the *Law*, and far more excellent, both in regard of the *Prieſt* and the *Sacrifice:* Why ſhould his Oblation of himſelf then be made only conſequent to his Death and Reſurrection? Which latter, being by our Adverſaries made not his own Act, but God's upon him, and his entrance into Heaven, being given him (as they aſſert) *as a reward of his ſufferings*, in what tolerable ſenſe can that be called an *Oblation* of himſelf, which was conferred upon him as a reward of his former ſufferings? From whence it follows, that upon our Adverſaries own grounds, the Death of Chriſt may far more properly be called the *Oblation* of himſelf, than his *entrance into Heaven*; and that there is no neceſſity of making the Oblation of Chriſt conſequent to his Death, there being ſo great a difference between the Sacrifice of Chriſt, and that of the Sacrifices for ſin under the *Levitical Law*.

2. We obſerve, That the Oblation as performed by the *Prieſt*, did not depend upon his preſenting *himſelf* before *God*, but upon the preſenting the *Blood* of a *Sacrifice*, which had been already *ſlain* for the Expiation of ſins. If the *Prieſt* had gone into the *Holy of Holies*, and there only preſented himſelf before the *Mercy-ſeat*, and that had been all required in order to the Expiation of ſins, there had been ſome pretence for our Adverſaries making Chriſt's preſenting himſelf in Heaven, to be the Oblation of himſelf to God; but under the Law, the Efficacy of the *High-Prieſt*'s entrance into the *Holy of Holies*, did depend upon the *Blood* which he carried in thither,

ther, which was the *Blood* of the *sin-offering*, which was already slain for the Expiation of sins: And in correspondency to this, Christ's Efficacy in his *entrance into Heaven*, as it respects our *Expiation*, must have a Respect to that Sacrifice which was offered up to God antecedent to it. And I wonder our Adversaries do so much insist on the *High-Priest's entring into the most holy place once a Year*, as though all the *Expiation* had depended upon that; whereas all the promise of *Expiation*, was not upon his bare entrance into it, but upon the *Blood* which he carried along with him, and *sprinkled* there: In Correspon-
Heb. 9. 12. dency to which, our Saviour is not barely said to *enter into Heaven*, and present himself to God, but *that he did this by his own Blood, having obtained eternal Redemption for us.*

3. We observe, That there was something correspondent in the Death of Christ, to somewhat consequent to the Oblation under the Law, and therefore there can be no reason to suppose, that the Oblation of Christ must be consequent to his Death: For that destroys the Correspondency between them. Now this appears in this particular, in the solemn *Sacrifices for sin*, after the *sprinkling* of *the Blood*, which was carried into the *Holy place to reconcile withall*, all the remainder of the *Sacrifice* was *to be burnt without the Camp*, and this held on the *day*
Heb. 13. 12. *of Atonement*, as well as in other *sin-offerings* for the Congregation. Now the Author to the *Hebrews* tells us, That in correspondency to this, *Jesus that he might sanctifie the people with his own Blood, suffered without the Gate:* What force is there in this, unless the Blood of Christ did answer to the sin-offerings for the People, and his Oblation was supposed to be made before; and therefore that he might have all things agreeable to those sin-offerings, the last part was to be compleated too; viz. *That he was to suffer without the Gate*; which after the Peoples settlement in *Jerusalem*, answered to the *being burnt without the Camp* in the Wilderness.

4. We observe, That the Oblation in Expiatory Sacrifices under the Law, by the Priest, had always Relation to the *Consumption* of what was offered: Thus the offering of the *Blood*, in token of the Destruction of the Life of the Beast, whose Blood was offered; for no *Blood* was to be offered of a *living Creature*, nor of one killed upon any other account, but for that end to be a *Sacrifice for sin*, and after the *sprinkling* and pouring out of the Blood, the *inwards* of some, and all of the other, were to be consumed by Fire. And it is observable, that the greater the *Sacrifice for sin* was, always the more was *consumed* of it; as appears plainly by the forementioned difference of the *sin-offerings* for *private Persons*, and for the *People*; of the former, the *Priests* were allowed to eat, but not at all of the latter. And so it was observed among the *Egyptians*, in the most solemn Sacrifices for Expiation, nothing was allowed to be eaten of that part which was designed for that end. For *Herodotus* gives us an account why the *Egyptians* never eat the head of any living Creature; which is, *That when they offer up a Sacrifice, they make a solemn Execration upon it, that if any evil were to fall upon the persons who Sacrificed, or upon all* Egypt, *it might be turned upon the head of that Beast:* And *Plutarch* adds, that after this solemn Execration, *They cut off the head, and of old, threw it into the River, but then gave it to Strangers.* From which Custom we observe,

Καταρέονται δὲ τὰ δὲ λέγοντες τῇσι κεφαλῇσι, εἴτε μέλλοι ἢ σφῖσι τοῖσι θύουσι, ἢ Αἰγύπτῳ τῇ συναπάσῃ κακὸν γενέσθαι, ἐς κεφαλὴν ταύτην τράπεσθαι. Herodot. l. 2. c 9.

Τῇ μὲν κεφαλῇ τοῦ ἱερείου καταρασάμενοι, καὶ ἀποκόψαντες εἰς τὸν ποταμὸν ἐῤῥίπτουν πάλαι, νῦν δὲ τοῖς ξένοις ἀποδίδονται. Plutarch. de Iside.

obſerve, that in a ſolemn Sacrifice for Expiation, the guilt of the Offenders was by this rite of Execration ſuppoſed to be transferred upon the head of the Sacrifice, as it was in the Sacrifices among the Jews, by the laying on of hands; and that nothing was to be eaten of what was ſuppoſed to have that guilt transferred upon it. From hence all Expiatory Sacrifices were at firſt whole Burnt-offerings, as appears by the Patriarchal Sacrifices, and the Cuſtoms of other Nations, and among the Jews themſelves, as we have already proved in all ſolemn offerings for the People. And although in the Sacrifices of private perſons, ſome parts were allowed to be eaten by the Prieſts; yet thoſe which were deſigned for Expiation were conſumed. So that the greater the offering was to God, the more it implied the *Conſumption* of the thing which was ſo offered: How ſtrangely improbable then is it, That the Oblation of Chriſt ſhould not (as under the Law) have reſpect to his death and ſufferings; but to his *entrance into Heaven*, wherein nothing is ſuppoſed to be conſumed, but all things given him with far greater Power, as our Adverſaries ſuppoſe, than ever he had before. But we ſee the *Apoſtle* parallels Chriſt's *ſuffering* with the *burning of the Sacrifices* and his *Blood* with the *Blood* of them, and conſequently his offering up himſelf, muſt relate not to *his entrance into Heaven*, but to that *Act* of his whereby he ſuffered for ſins, and offered up *his Blood* as a *Sacrifice* for the ſins of the World.

Xenoph. Cyropæd l. 7. 8. Strab. l. 4. Plutarch Symp. l. 6. probl. 8.

XI. From all which it appears; how far more agreeably to the *Oblations* under the Law, Chriſt is ſaid to offer up himſelf for the Expiation of ſins by his *death* and *ſufferings*, than by his *entrance into Heaven*; For it is apparent, that the *Oblations* in Expiatory Sacrifices under the Law, were ſuch upon which the Expiation of ſin did chiefly depend: but by our Adverſaries own Confeſſion, Chriſt's Oblation of himſelf by his entrance into Heaven, hath no immediate Reſpect at all to the Expiation of ſin: only *as the way whereby he was to enjoy that power by which he did expiate ſins*, as *Crellius* ſaith; now, let us conſider, what more propriety there is in making this preſenting of Chriſt in Heaven to have a correſpondency with the Legal Oblations, than the offering up himſelf upon the Croſs. For, 1. on the very ſame reaſon that his entrance into Heaven is made an *Oblation*, his Death is ſo too; viz. *Becauſe it was the way whereby he obtained the power of Expiation*; and far more properly ſo than the other, ſince they make Chriſt's entrance and power the reward of his ſufferings, but they never make his ſitting at the Right-hand of God, the reward of his *entrance into Heaven*. 2. His offering up himſelf to God upon the Croſs, was his own Act, but his entrance into Heaven was *God's*, as themſelves acknowledge, and therefore could not in any propriety of ſpeech be called *Chriſt's offering up himſelf*. 3. If it were his own Act, it could not have that Reſpect to the *Expiation* of ſins, which his death had; for our Adverſaries ſay, *that his death was by reaſon of our ſins:* and that he ſuffered to purge us from ſin; but his *entrance into Heaven* was upon his own account, to enjoy that Power and Authority, which he was to have at the Right hand of God. 4. How could *Chriſt's entrance into Heaven*, be the way for his enjoying that power which was neceſſary for the Expiation of ſin, when Chriſt before his entrance into Heaven, ſaith, *that all power was given to him in Heaven and Earth:* and the reaſon aſſigned in Scripture of that Power and Authority which *God* gave him is, *becauſe he humbled himſelf, and became obedient to death, even*

Chriſt's entrance into Heaven could not be the Oblation of himſelf mentioned.

Mat. 28. 18.

Phil. 2. 8, 9.

even the Death of the Cross: So that the *entrance of Christ into Heaven*, could not be the means of obtaining that Power which was conferred before; but the Death of Christ is mentioned on that account in *Scripture*. 5. If the Death of Christ were no Expiatory Sacrifice, the entrance of Christ into Heaven could be no *Oblation* proper to a *High-Priest*; for his *entrance into the Holy of Holies*, was on the account of the *Blood* of the *sin-offering* which was carried in with him. If there were then no Expiatory Sacrifice before, that was slain for the sins of Men; Christ could not be said to make any *Oblation in Heaven*, for the Oblation had Respect to a Sacrifice already slain; so that if Men deny that Christ's Death was a proper Sacrifice for sin, he could make no Oblation at all in Heaven, and Christ could not be said to enter thither, as the *High-Priest* entred into the Holy of Holies with the Blood of the Sacrifice; which is the thing which the *Author* to the *Hebrews* asserts concerning Christ.

Christ's exercise of power in Heaven in no sense an Oblation to God.

XII. 2. There is as great an inconsistency in making the Exercise of Christ's Power in Heaven, an *Oblation* in any sense, as in making Christ's entrance into Heaven, to be the Oblation which had correspondency with the *Oblations* of the Law. For what is there which hath the least resemblance with an *Oblation* in it? Hath it any Respect *to God*, as all the Legal Oblations had? No, *for his intercession and power*, *Crellius* saith, *Respect us, and not God.* Was there any Sacrifice at all in it for *Expiation?* How is it possible, that the mere Exercise of Power should be called a *Sacrifice?* What Analogy is there at all between them? And how could he be then said *most perfectly to exercise his Priesthood*, when there was no Consideration at all of any *Sacrifice* offered up to *God*? So that upon these Suppositions the Author to the *Hebrews* must argue upon strange Similitudes, and fancy resemblances to himself, which it was impossible for the *Jews* to understand him in, who were to judge of the Nature of *Priesthood* and *Oblations* in a way agreeable to the Institutions among themselves. But was it possible for them to understand such *Oblations* and a *Priesthood* which had no Respect at all to *God*, but wholly to the People; and such an *entrance into the Holy of Holies* without the *Blood* of an *Expiatory Sacrifice* for the sins of the People: But such absurdities do Men betray themselves into, when they are forced to strain expres places of Scripture to serve an *Hypothesis*, which they think themselves oblig'd to maintain.

Crellius his sense repugnant to the circumstances of the places. Heb. 7. 27. 9. 26. 10. 10.

XIII. We now come to shew that this interpretation of *Crellius* doth not agree with the Circumstances of the places before mentioned, which will easily appear by these brief Considerations. 1. That the *Apostle* always speaks of the offering of Christ *as a thing past and once done, so as not to be done again*; which had been very improper, if by the Oblation of Christ, he had meant the continual appearance of Christ in Heaven for us, which yet is, and will never cease to be till all his Enemies be made his Footstool. 2. That he still speaks in Allusion to the Sacrifices which were in use among the *Jews*, and therefore the Oblation of Christ must be in such a way as was agreeable to what was used in the *Levitical Sacrifices*, which we have already at large proved he could not do in our Adversaries sense. 3. That the *Apostle* speaks of such a *Sacrifice for sins* to which the *sitting at the right hand of God* was consequent; so that the Oblation antecedent to it must be properly that Sacrifice for sins which he offered to God; and therefore *the*

Heb. 9. 12, 13. 10. 4, 5.

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Exercise of his power for Expiation of sins, which they say is meant *by sitting on the right hand of God*, cannot be that Sacrifice for sins: Neither can *his entrance into Heaven* be it, which in what sense it can be called a *Sacrifice for sins*, since themselves acknowledge it had no immediate Relation to the *Expiation* of them, I cannot understand. 4. The *Apostle* speaks of such an Offering of Christ once, which if it had been repeated, doth imply, that *Christ's sufferings* must have been repeated too. *For then must he often have suffered since the Foundation of the World:* But the repeated Exercise of *Christ's Power* in Heaven doth imply no necessity at all of Christ's frequent *suffering*, nor his frequent entrance into Heaven; which might have been done without *suffering*, therefore it must be meant of such an offering up himself as was implyed in his death and sufferings. 5. He speaks of the offering up of that Body which God gave him *when he came into the World*; but our Adversaries deny, that he carried the same Body into Heaven, and therefore he must speak not off an offering of Christ in Heaven, but what was performed here on Earth. But here our Adversaries have shewn us a tryal of their Skill, when they tell us with much Confidence that the *World* into which Christ is here said *to come*, is not to be understood of *this World*, but of *that to come*, which is not only contrary to the general Acceptation of the word when taken absolutely as it is here, but to the whole Scope and Design of the place. For he speaks of that *World* wherein *Sacrifices and Burnt-offerings were used, and the Levitical Law* was observed, although not sufficient for perfect Expiation, and so rejected for that end; and withal he speaks of that *World* wherein the chearful obedience of Christ to the will of his Father was seen, for he saith, *Low I come to do thy will, O God*, which is repeated afterwards; but will they say, that this *World* was not the place into which Christ came to obey the *Will* of his Father? And how could it be so properly said of the future World, *Lo I come to do thy will*; when they make the design of his Ascension to be the receiving the reward of his doing and suffering the will of God upon Earth?

Heb. 10. 12. Heb. 9.26. Heb. 10.5, 10. *Crell. cap.* 10. *sect.* 53. Heb. 10. 7, 9.

XIV. But yet they attempt to prove from the same *Author* to the *Hebrews*, that Christ's entrance into Heaven, was necessary to his being a perfect *High-Priest*; for he was to be made *Higher than the Heavens*; *and if he were on Earth, he should not be a Priest*; *but he was a Priest after the Power of an endless life: Neither could he*, say they, *be a perfect High-Priest, till those words were spoken to him, Thou art my Son, this day have I begotten thee*; *which as appears by other places, was after the Resurrection: But all the sufferings he underwent in the World, were only to qualifie him for this Office in Heaven*; *therefore it is said, That in all things it behoved him to be made like unto his Brethren, that he might be a merciful and faithful High-Priest, &c.* This is the substance of what is produced by *Crellius* and his *Brethren*, to prove that Christ did not become a perfect *High-Priest*, till he *entred into Heaven:* But it were worth the knowing, what they mean by a *Perfect High-Priest*; Is it that Christ did then begin the Office of a *High-Priest*, and that he made no offering at all before? No, that they dare not assert at last, but that there was no *perfect Sacrifice* offered for sin, otherwise *Socinus* contends, *That Christ did offer upon Earth, and that for himself too:* So that all kind of offering is not excluded by themselves, before Christ's entrance into Heaven: But if they mean by *perfect High-Priest*

Objections answered. Heb. 7. 26. 8. 4. 7. 16. 5. 5. 2. 17. *Crell. c.* 10. *sect.* 53. *Socin. prælect. c. ult.*

in Heaven, that his Office of *High-Prieſt was not conſummated* by what he did on Earth, but that a very conſiderable part of the *Prieſthood* of Chriſt was ſtill remaining to be performed in Heaven; it is no more than we do freely acknowledge, and this is all we ſay is meant by thoſe places: For the *Apoſtles* deſign is to prove, the excellency of the *Prieſthood* of Chriſt above the *Aaronical*; which he doth, not only from the excellency of the Sacrifice which he offered, above *the Blood of Bulls and Goats*; but from the excellency of the *Prieſt*, who did excel the *Aaronical Prieſts*; both in regard of *his calling from God*, which is all the *Apoſtle* deſigns, *Heb.* 5. 5. not at all intending to determine the time *when he was made*, but *by whom* he was made *High-Prieſt*, even by him *that had ſaid, Thou art my Son*, &c. and in regard of the excellency of the *Sanctuary* which he entred into, which was not an *earthly*, but a *heavenly Sanctuary*; and in regard of the perpetuity of his Function there, *Not going in once a year, as the High-Prieſts under the Law did*, but there *ever living to make interceſſion for Us*; Now this being the *Apoſtles* deſign, we may eaſily underſtand why he ſaith, *That he was to be a heavenly High-Prieſt, and if he had been on Earth, he could not have been a Prieſt:* The meaning of which is only this, that if Chriſt's Office had ended in what he did on Earth, he would not have had ſuch an excellency as he was ſpeaking of; for then he had ceaſed to be at all ſuch a *High-Prieſt*, having no *Holy of Holies* to go into, which ſhould as much tranſcend the earthly Sanctuary, as his Sacrifice did the *Blood of Bulls and Goats:* Therefore in correſpondency to that *Prieſthood*, which he did ſo far excel in all the parts of it, he was not to end his *Prieſthood* merely with *the Blood* which was ſhed for a *Sacrifice*, but he was to carry it into Heaven, and preſent it before God, and to be a perpetual interceſſor in the behalf of his People: And ſo was in regard of the perpetuity of his Office, *a Prieſt after the Law of an endleſs Life:* But leſt the People ſhould imagine, that ſo great and excellent a *High-Prieſt*, being ſo far exalted above them, ſhould have no ſenſe or compaſſion upon the Infirmities of his People, therefore to encourage them to adhere to him, he tells them, *That he was made like to his Brethren*; and therefore they need not doubt, but by the ſenſe which he had of the Infirmities of humane Nature, he will have *pity* on the weakneſſes of his People; which is all the *Apoſtle* means by thoſe Expreſſions. So that none of theſe places do deſtroy the *Prieſthood of Chriſt on Earth*, but only aſſert the *excellency*, and the *Continuance* of it *in Heaven:* Which latter, we are as far from denying, as our Adverſaries are from granting the former. And thus much may ſuffice for the ſecond thing, to prove the Death of Chriſt a proper Sacrifice for ſin; viz. *The Oblation which Chriſt made of himſelf to God by it.*

CHAP. VI.

I. *That the Effects of proper Expiatory Sacrifices belong to the Death of Chriſt, which either reſpect the ſin or the perſon. Of the true Notion of Expiation of ſin, as attributed to Sacrifices. Of the importance of* כפר, *as applied to them.* Socinus *his proper ſenſe of it examined.* II. Crellius *his Objections anſwered.* III. *The Jews Notion of* כפר. *The Sacrifices not*

not bare Conditions of pardon, nor expiated merely as a ſlight part of Obedience. IV. *God's expiating ſin, deſtroys not Expiation by Sacrifice.* V. *The importance of* καθαρίζειν *and* ἁγιάζειν *relating to Sacrifice.* VI. *Expiation attributed to the Sacrifice of Chriſt, in the ſame ſenſe that it was to other Sacrifices.* VII. *And from thence, and the places of Scripture which mention it, proved not to be merely declarative. If it had been ſo, it had more properly belonged to his Reſurrection than his Death.* VIII. *The Death of Chriſt not taken Metonymically for all the Conſequents of it; becauſe of the peculiar Effects of the Death of Chriſt in Scripture.* IX. *And becauſe Expiation is attributed to him antecedently to his entrance into Heaven.* X. *No diſtinction in Scripture of the Effects of Chriſt's entrance into Heaven from his ſitting at the right hand of God.* XI. *The Effects of an Expiatory Sacrifice, reſpecting the perſon, belong to the Death of Chriſt, which are Atonement and Reconciliation. Of the ſignification of* ἱλασμὸς *and* ἱλάσκεσθαι XII. *The Reconciliation by Chriſt's Death, doth not merely Reſpect us, but God; why the latter leſs uſed in the New Teſtament. A twofold Reconciliation with God mentioned in Scripture.* Crellius *his Evaſion anſwered.* XIII. *The Objections from God's being reconciled in the ſending his Son.* XIV. *And the inconſiſtency of the Freeneſs of Grace with the Doctrine of Satisfaction anſwered, and the whole concluded.*

I. THE laſt thing to prove the Death of Chriſt a proper Expiatory Sacrifice, is, That the Effects of a proper Sacrifice for ſin are attributed to it. Which do either reſpect the *ſins* committed, and are then called *Expiation* and *Remiſſion*, or the *perſons*, who were guilty of them, as they ſtand Obnoxious to the diſpleaſure of God, and ſo the Effect of them is *Atonement* and *Reconciliation*. Now theſe we ſhall prove do moſt properly and immediately refer to the Death of Chriſt; and are attributed to it, as the procuring cauſe of them; and not as a bare Condition of Chriſt's entrance into Heaven, or as comprehending in it the conſequents of it. I begin with the *Expiation* and *Remiſſion* of *ſins*; as to which *Socinus* doth acknowledge, *That the great correſpondency doth lie between Chriſt and the Legal Sacrifices.* We are therefore to enquire: 1. What reſpect the Expiation of ſins had to the Sacrifices under the Law. 2. In what ſenſe the Expiation of ſins is attributed to the Sacrifice of Chriſt: For the due Explication of the reſpect which Expiation of ſins had to the Legal Sacrifices, we are to conſider in what ſenſe *Expiation* is underſtood, and in what reſpect it is attributed to them. For this we are to enquire into the importance of the ſeveral Phraſes it is ſet forth by, which are כפר and חטא in the Old Teſtament, καθαρίζειν, ἁγιάζειν, ἱλάσκεσθαι in the New; all which are acknowledged by our Adverſaries to have a peculiar Reſpect to the Expiation made by a *Sacrifice*. We ſhall begin with the former, becauſe *Crellius* objects this againſt *Grotius*, *That he imployed his greateſt diligence in the Explication of the Greek and Latin words for Expiation of ſin, and was contented only to ſay, that the Hebrew words would bear the ſame ſignification: Whereas*, ſaith he, *he ought to have proved, that the Hebrew words do require that ſenſe which he takes them in.* But by *Crellius* his leave, *Grotius* took the beſt courſe was to be taken in words, whoſe ſignification is ſo obſcure as thoſe are in the Hebrew Language. For כפר being ſo very rarely uſed in Scripture in that which *Socinus* and *Crellius* contend to be the proper and natural ſignification of it; *viz.*

Of the true notion of Expiation, as attributed to Sacrifices.

Socin. de Chriſto ſervat. p. 2. l. 13.

Crell. cap. 10. ſect. 26.

Crell. c. 10. ſect. 38.

viz. To hide or cover, and so frequently in the sense of *Expiation*, what better way could be taken for determining the sense of it, as applied to *Sacrifices*, than by insisting upon those words which are used in the *New Testament*, to the very same purpose that כפר is used in the Old? For they cannot pretend that which they say is the most proper sense, can be applied to this Subject, *viz. To cover* with Pitch, or a bituminous matter, which is called כפר, *Gen.* 6. 14. therefore it must of necessity be taken in another sense here. But *Socinus* contends, *That it ought to be taken in a sense most agreeable to that, which is*, saith he, *that the Expiation of sin be nothing else, but the covering of it, by God's Grace and Benignity. Thence*, saith he, *David saith, Blessed is the Man whose iniquity is covered.* But how can this prove, that the proper signification of כפר as applied to sin, is covered by God's Grace, when neither the word כפר is here used, nor is there any Respect at all mentioned of an *Expiation* by Sacrifice, which is the thing we are discoursing of? And is the *covering of sin* such an easie and intelligible Phrase, that this should be made choice of to explain the difficulty of כפר by? What is it that they would have us understand by *the covering sin?* Surely not to make it stronger and more lasting, as the Ark was covered with that bituminous matter for that end, and yet this would come the nearest to the proper sense of כפר. So that from their own interpretation it appears, that כפר as applied to the Expiation of sin by Sacrifices, cannot be taken so much as in Allusion to that other sense; for their sense of Expiation, is either by the destruction of sin, or deliverance of the sinner from the Punishment of it, but what Resemblance is there between the covering of a thing, in order to its preservation, and the making it not to be, or at least destroying all the Power of it? But supposing we should grant that it hath some Allusion to the sense of covering, why must it necessarily be supposed to be done by the *meer Grace of God*, as excluding all antecedent Causes which should move to it? Would not the propriety of the sense remain as well, supposing a *moving Cause*, as excluding it? What should hinder, but that God may be said as well to *cover sin* upon a Sacrifice as *to forgive it*, and this is very frequently used upon a Sacrifice, *That the sin shall be forgiven?* But yet themselves acknowledge, that the Sacrifices were Conditions required in order to Expiation; if then כפר hath an immediate Respect to God's immediate Favour and benignity, how comes it to be used where a Condition is necessarily supposed in order to it? Had it not been more agreeable to this Benignity of God to have pardon'd sin without requiring any Sacrifice for it, than so strictly insisting upon the offering up Sacrifice in order to it, and then declaring that the *sin is expiated, and it should be forgiven?* From hence we see that there is no necessity why כפר should be use as applied to Sacrifices in a sense most agreeable to that of *covering* with Pitch, nor that it is not possible it should have such a sense when applied to *sins*; and withal that it is very consistent with an antecedent Condition to it, and therefore can by no means destroy Satisfaction.

Socin de Servat. p. 2. c. 11.

Pſal. 32. 1.

Lib. 4. 26. Verſe 31, 35.

Crellius his Objections answered.

II. *Yes*, saith *Crellius*, *it doth, for Expiation is explained in the Law by non imputation*, Deut. 21. 8. *Be merciful, O Lord, unto thy people Israel whom thou hast redeemed, and lay not innocent Blood unto the people of Israel's Charge; and the Blood shall be forgiven them. But not to impute*, saith he, *and to receive true and full Satisfaction overthrow each other: And so Expiation being the same with that, will overthrow it too:*

Crell c. 10. sect. 9.

To

To this I anſwer, 1. I grant that כפר is here uſed both as applied *to God*, and *to the ſin*, and that the ſenſe of it is uſed as *to the people*, when the Prayer is *that God would not lay it to their Charge*, which is the ſame with *expiating* of it. 2. We are to conſider, what the Foundation of this Prayer was, viz. *The ſlaying of the Heifer for Expiation of the uncertain Murder*; and when the Elders had waſhed their Hands over the head of the Heifer, then they were to proteſt their own innocency, and to uſe this Prayer. כפר למעך וישראל *Expiate thy people Iſrael*, &c. i. e. accept of this Sacrifice as an Expiation for them, and ſo charge not on them the innocent Blood, &c. and upon doing of this it is ſaid, ונכפר להם הדם, *and the Blood ſhall be expiated*, i. e. as the *Vulgar Latin* explains it, *the guilt of the Blood ſhall be taken from them.* But how then ſhould the expiating ſin upon a Sacrifice ſlain in order thereto, deſtroy that Satisfaction which we aſſert by the Blood of Chriſt being ſhed in order to the Expiation of our ſins? Nay, it much rather ſheweth the conſiſtency and agreeableneſs of theſe one with another: For we have before proved, that the Sacrifice here did expiate the ſin by a Subſtitution, and bearing the guilt which could not have been expiated without it. But *Crellius* further urgeth, *That God himſelf is here ſaid to expiate, and therefore to expiate cannot ſignifie to atone or ſatisfie; in which ſenſe Chriſt may be ſaid to expiate too, not by atoning or ſatisfying, but by not imputing ſins, or taking away the Puniſhment of them by his power.* To which we need no other anſwer than what *Crellius* himſelf elſewhere gives, *viz. That* Socinus *never denies but that* כפר *doth ſignifie to appeaſe or atone*; which is moſt evidently proved from the place mentioned by *Grotius*, Gen. 32. 20. אכפרה פניו במנחה *Expiabo faciem ejus in munere*, ſaith the interlineary Verſion, *placabo illum muneribus*, the Vulg. Lat. ἐξιλάσομαι τὸ πρόσωπον αὐτοῦ, the LXX. and all the Circumſtances of the place make it appear to be meant in the proper ſenſe of *appeaſing* the anger of a perſon by ſomething which may move him to ſhew Favour. And if *Crellius* will yield this to be the ſenſe of *Expiation* as applied to the Sacrifice of Chriſt, he need not quarrel with the word *Satisfaction.* But why ſhould he rather attribute that ſenſe of Expiation to Chriſt, which is alone given to God, wherein the *Expiation* is attributed to him that receives the Sacrifice, rather than to him that offers the Sacrifice in order to the Atonement of another? Since it is acknowledged that Chriſt did offer a *Sacrifice*; and therefore there can be no reaſon why that ſenſe of Expiation ſhould not belong to him, which was moſt peculiar to that; which we ſhall now ſhew to be of the ſame kind with what is here mentioned, *viz.* an *appeaſing* by a Gift offered up to God. So we find the word uſed to the ſame ſenſe, 2 *Sam.* 21. 3. ובמה אכפר וּבַמֶּה אֲכַפֵּר ἐν τίνι ἐξιλάσομαι, *and wherewith ſhall I make the Atonement*, i. e. wherewith ſhall I ſatisfie you for all the wrong which *Saul* hath done unto you? And we ſee afterwards it was *by the Death of* Saul's *Sons.* In which place it cannot be denied but that כפר not only ſignifies to *appeaſe*, but ſuch a kind of Satisfaction as is by the Death of ſome for the faults of others; and ſo comes home, not only to the importance of the *Expiation* belonging to a Sacrifice in general; but to ſuch a kind of Expiation as is by the ſuffering of ſome in the place of others. Which though it be more clear and diſtinct, where one man ſuffers for others, yet this was ſufficiently repreſented in the Sacrifices under the Law, in which we have already proved that there was a Subſtitution of them in the place of the Offenders.

Cum non neget Socinus hoc verbum placandi ſignificationem habere. Crell. c. 20. ſect. 38.

III. And

The *Jews* notion of כפר.

III. And in this sense the *Jews* themselves do understand כפר, *viz.* such an *Expiation* as is made by the Substitution of one in the place of another. Of which many instances are collected by *Buxtorf.* *Lexic. Talmud. v.* כפר. *Buxtorf*, wherein כפרה is taken by the *Rabbinical* Writers for such an *Expiation*, whereby one was to undergo a Punishment in the place of another. So when in the Title *Sanhedrin* the people say to the High-Priest לו אנו כפרתך *simus nos expiatio tua, let us be for an Expiation for you*, the *Glos* explains it thus, *hoc est, in nobis fiat expiatio tua, nosque subeamus tuo loco quicquid tibi evenire debet.* And when they tell us how Children ought to honour their Parents after their Death, they say when they recite any memorable Speech of their Fathers, they are not barely to say, *My Father said so:* But *my Lord and Father said so, would I had been the Expiation of his Death:* i. e. as they explain it themselves, *would I had undergone what he did*, and they give this general rule, *where ever it is said, behold I am for Expiation, it is to be understood, behold I am in the place of another to bear his Iniquities.* So that this signifies the same with λύτρον or a price of Redemption for others. Hence כפר is taken for a *Price of Redemption of the life of another*, and rendred by λύτρον, Exod. 21. 30.——30. 12. Numb. 35. 31, 32. where we render it Satisfaction, and by ἐξίλασμα, Psal. 48. 7. and thereby we fully understand, what our Saviour meant when he said, that he gave his Soul, λύτρον ἀντὶ πολλῶν, *a ransome for many*, and to this day the *Jews* call the Cock which they kill for Expiation on the day of Atonement, by the name of *Cappara*; and when they beat the Cock against their heads thrice, they every time use words to this purpose, *Let this Cock be an Exchange for me, let him be in my Room, and be made an Expiation for me: Let death come to him, but to me and all* Israel *Life and Happiness.* I insist on these things, only to let us understand, that the *Jews* never understood כפר in the sence our Adversaries contend for, when applied to an Expiatory Sacrifice, but as implying a *Commutation*, and a *Substitution* of one in the place of another, so as by the Punishment of that, the other in whose room he suffers, may obtain deliverance. Which is the sense we plead for. But the utmost which * *Socinus* and *Crellius* will allow to the Sacrifices in order to Expiation, is barely this, *That the offering of them is to be considered as a meer Condition* (that hath no other Respect to the Expiation of sins, than the paring a Mans Nails would have had, if God had required it) *upon which slight obedience, the pardon of some light sins might be obtained.* But can any one imagine, that this was all that was designed by the Sacrifices of old, who considers the Antiquity and Universality of them in the World in those elder times before the Law, the great severity by which they were requir'd under the Law, the punctual Prescriptions that were made in all Circumstances for them, the vast and almost inestimable Expence the People were at about them, but above all, the reason that God himself assigns in the Law, *That the Blood was given for Expiation, because it was the Life*, and the correspondency so clearly expressed in the New Testament, between the Sacrifice of Christ, and those Levitical Sacrifices? Can any one, I say, imagine upon these Considerations, that the Sacrifices had no other Respect to the Expiation of sin, than as they were a slight Testimony of their obedience to God? Why were not an inward sorrow for sin, and Tears and Prayers rather made the only Conditions of Expiation than such a burthensome and chargeable Service imposed upon them,

Matt. 20. 28.

* *Socin. l. 2. c. 11. Docêt Socinus victimarum oblationem obedientiam quandam Deo præstandam, quanquam levem continuisse, quam ex promisso Dei levium quorundam erratorum ac peccatorum venia consequeretur.* Crell. c. 10. sect. 10.

which

which at last signified nothing, but that a command being supposed, they would have sinned if they had broken it? But upon our Supposition a reasonable account is given of all the expiatory Sacrifices; *viz.* That God would have them see, how highly he esteemed his Laws, because an Expiation was not to be made for the breach of them, but by the sacrificing of the Life of some Creature which he should appoint instead of the Death of the Offender; and if the breach of those Laws which he had given them must require such an Expiation, what might they then think would the sins of the whole World do, which must be expiated by a Sacrifice infinitely greater than all those put together were; *viz.* The death and sufferings of the Son of God for the sins of Men? But if the offering Sacrifice had been *a bare Condition required of the person who committed the fault, in order to Expiation*; Why is it never said, That the person who offered it, did expiate his own fault thereby? For that had been the most proper sense; for if the Expiation did depend on the offering the Sacrifice, as on the Condition of it, then the performing the Condition, gave him an immediate right to the benefit of the Promise. If it be said, *That his own act was not only necessary in bringing the Sacrifice, but the Priests also in offering up the Blood:* This will not make it at all the more reasonable; because the pardon of sin should not only depend upon a Man's own Act, but upon the Act of another, which he could not in reason be accountable for, if he miscarried in it. If the Priest should refuse to do his part, or be unfit to do it, or break some Law in the doing of it, how hard would it seem that a Mans sins could not be expiated, when he had done all that lay in his own power in order to the Expiation of them, but that another person, whose Actions he had no command over, neglected the doing his Duty? So that if the Sacrifice had no other influence on Expiation, but as a part of obedience, in all reason the Expiation should have depended on no other Conditions but such as were under the Power of him, whose sins were to be expiated by it.

God's expiating sin destroys not expiation by Sacrifices. *Crell. ib. sect.* 39.

IV. But *Crellius* urgeth against our sense of Expiation, *That if it were by Substitution, then the Expiation would be most properly attributed to the Sacrifices themselves; whereas it is only said, that by the Sacrifices the Expiation is obtained; but that God or the Priest do expiate and to God it belongs properly, because he takes away the Guilt and Punishment of sin; which is*, saith he, *all meant by Expiation; to the Priest only consequently, as doing what God requires in order to it; and to the Sacrifices only as the Conditions by which it was obtained.* But if the Expiation doth properly belong to God, and implies no more than bare pardon, it is hard to conceive that it should have any necessary Relation to the *Blood* of the Sacrifice: But the Apostle to the *Hebrews* tells us, that Remission had a necessary Respect to the *shedding of Blood*, so that *without that there was no Remission.* How improperly doth the *Apostle* discourse throughout that *Chapter*, wherein he speaks so much concerning the *Blood* of the *Sacrifices purifying*, and in correspondency to that, *the Blood of Christ purging our Consciences*; and that *all things under the Law, were purified with Blood:* Had all this no other signification, but that this was a bare Condition that had no other importance, but as a mere Act of obedience when God had required it? Why doth not the *Apostle* rather say, *without God's Favour* there is no Remission, than *without the shedding of Blood*; if all the Expiation did properly

Heb. 9.22.

Ver. 13, 14. Ver. 18, 19, 20, 21, 23.

belong to that, and only very remotely to the *Blood* of the Sacrifice? What imaginable neceſſity was there, that Chriſt muſt ſhed his *Blood* in order to the *Expiation* of our ſins, if all that *Blood* of the Legal Sacrifices did ſignifie no more than a bare Condition of Pardon, though a ſlight part of obedience in it ſelf? Why muſt Chriſt lay down his Life in correſpondency to theſe *Levitical Sacrifices*? For that was ſurely no *ſlight part* of his obedience. Why might not this Condition have been diſpenſed with in him, ſince our *Adverſaries* ſay, that in it ſelf it hath no proper Efficacy on the Expiation of ſin? And doth not this ſpeak the greateſt Repugnancy to the kindneſs and *Grace* of *God* in the *Goſpel*, that he would not diſpenſe with the ignominious Death of his Son, although he knew it could have no influence of it ſelf on the Expiation of the ſins of the World? But upon this Suppoſition, that the *Blood* of Sacrifices under the *Law* had no proper influence upon Expiation, the *Apoſtles* diſcourſe proceeds upon weak and inſufficient Grounds. For what neceſſity in the thing was there, becauſe the Blood of the Sacrifices was made a Condition of pardon under the *Law*, therefore the *Blood* of *Chriſt* muſt be ſo now; although in it ſelf it hath no proper Efficacy for that end? But the *Apoſtles* words and way of Argumentation doth imply, that there was a peculiar Efficacy both in the one and the other, in order to Expiation; although a far greater in the *Blood* of Chriſt, than could be in the other; as the thing typified, ought to exceed that which was the Repreſentation of it. From hence we ſee, that the *Apoſtle* attributes what Expiation there was under the Law, not immediately to God, as belonging properly to him, but *to the Blood of Bulls and Goats, and the Aſhes of an Heifer, ſprinkling the unclean.* Which he had very great reaſon to do, ſince *God* expreſly ſaith to the *Jews*, that the Blood was given them לכפר *ad expiandum, to expiate for their Souls, for the Blood* Lev. 17. 11. בנפש כפר *ſhall expiate the Soul.* Than which words, nothing could have been more plainly ſaid to overthrow *Crellius* his Aſſertion, that Expiation is not properly or chiefly attributed to the Sacrifices, but primarily to *God*, and conſequentially to the *Prieſt:* Who is never ſaid to *expiate*, but by the *Sacrifice* which he offered, ſo that his Office was barely Miniſterial in it. But from this we may eaſily underſtand, in what ſenſe *God* is ſaid to *expiate* ſins, where it hath Reſpect to a Sacrifice (which is that we are now diſcourſing of, and not in any larger or more improper uſe of the word) for ſince *God* himſelf hath declared, that the *Blood* was given for Expiation, the Expiation which belongs to *God*, muſt imply his acceptance of it for that end, for which it was offered. For the Execution or diſcharge of the Puniſhment belonging to him, he may be ſaid in that ſenſe to expiate, becauſe it is only in his power to diſcharge the ſinner from that Obligation to puniſhment he lies under by his ſins. And we do not ſay, that where expiating is attributed *to him that accepts the Atonement*, that it doth imply his undergoing any Puniſhment which is impoſſible to ſuppoſe; but that where it is attributed to a *Sacrifice*, as the means of *Atonement*, there we ſay it doth not imply a bare Condition, but ſuch a Subſtitution of one in the place of another, that on the account of that, the fault of the Offender himſelf is expiated thereby.

The importance of καθαιρειν, and ἁγιαζειν, relating to ſacrifices.

V. And to this ſenſe the other word חטא doth very well agree; for *Socinus* and *Crellius* cannot deny, *But that* Gen. 31. 39. *it properly ſignifies* Luere, *or to bear Puniſhment*; although they ſay, *it no where elſe*

ſignifies

ſignifies ſo, and the reaſon is, becauſe it is applied to the Altar, and ſuch other things, which are not capable of it; but doth it hence follow, that it ſhould not retain that Signification where the matter will bear it, as in the caſe of Sacrifices. And although it be frequently render'd by ἁγιάζειν, καθαρίζειν, ἐξιλάσκεσθαι, yet that will be no prejudice to the ſenſe we plead for in reſpect of Sacrifices, becauſe thoſe words when uſed concerning them, do ſignifie Expiation too. "*Grotius* proves, "that they do from their own nature and conſtant uſe in *Greek Au-* "*thors*, not only ſignifie an antecedency of order, but a peculiar Effi- "cacy in order to Expiation. Thence Expiatory Sacrifices among the "*Greeks* were called ἱλαστικὰ, ἁγνιστικὰ, καθαρτικὰ and ἱλάσκεσθαι, fre- "quently in *Homer*, applied to Sacrifices, ἁγνίζειν τὴν πόλιν καθαρμοῖς "in *Plutarch*, and ἁγιάζειν uſed in the ſame ſenſe; an Expiatory Sa- "crifice in *Herodotus* is call'd κάθαρσιον, and to the ſame purpoſe it is "uſed in *Hermogenes*, *Plato* and *Plutarch*: As among the *Latins*, *pla-* "*care*, *purgare*, *purificare*, *conciliare*, *luſtrare* in the ſame ſenſe, and "*piare* when uſed in Sacrifices; he proves to ſignifie *Luere per ſucceſſio-* "*nem rei alterius in locum pœnæ debitæ*. "Thence *piaculum* uſed for an "Expiatory Sacrifice, and *expiare* is to appeaſe by ſuch a Sacrifice, ſo "*Cereris numen expiare* is uſed in *Cicero*; *filium expiare* in *Livy*. So "that all theſe Sacrifices among them were ſuppoſed ſtill to pertain to "the atoning the Deity, and obtaining a Remiſſion of ſins committed "by them. And from hence (becauſe where there was a greater Equa- "lity and Nearneſs, there might be the greater Efficacy of the Sacrifice "for Expiation) came the cuſtom of ſacrificing Men, which *Grotius* at "large ſhews to have almoſt univerſally obtained before the coming of "Chriſt. We are now to conſider what *Crellius* anſwers to this; the ſubſtance of which lies in theſe two things. 1. He denies not *but that* καθαρίζειν and ἁγιάζειν *do in their proper uſe in the Greek Tongue ſignifie the purging of guilt, and the Averſion of the wrath of God and Puniſhment, but that thoſe and ſuch other words are attributed to Sacrifices, becauſe thoſe were ſuppoſed to be the Effects of them among the Heathen; but the attributing ſuch Effects to them, did ariſe from their Superſtition, whereby greater things were attributed to Sacrifices, than God would have given to them, either before or under the Law.* 2. *He denies not, but that thoſe words,* καθαρίζειν *and* ἁγιάζειν, *being uſed by the Author to the* Hebrews *more than once with reſpect to the Sacrifices and Prieſthood of Chriſt, were taken in the ſame ſenſe in which they are uſed in the Greek Tongue*, viz. *For the purging of guilt, and the Averſion of the Wrath of God, and the Puniſhment conſequent upon it*: But all that he contends for is, *That there is a difference in the manner of effecting it, which he acknowledges the words themſelves do not imply*; and the reaſons he gives for it are, *That the other were proper, but Chriſt's an improper Sacrifice; and that the other Sacrifices were offered by Men to God, but the Sacrifice of Chriſt was given by God to Men, and therefore he muſt be ſuppoſed to be reconciled before.* From whence he would at leaſt have other ſenſes of theſe words joyned together with the former; *viz.* Either *for purging away the filth of ſin*, or *for a declaration of a deliverance from guilt and puniſhment*, in imitation of the *Idiom of the Hebrew*, in which many words are uſed in the *New Teſtament*. From hence it follows, that *Crellius* doth yield the main cauſe, if it appear, that Chriſt did offer up an *Expia-*

Crell. c. 10. ſect. 23, & 24.

Itaque quod ad voces Græcas καθαρίζειν *&* ἁγιάζειν *attinet, quibus in hoc argumento non ſemel utitur D. ſcriptor ad Heb. ex ad Chriſti Sacrificium & Sacerdotii functionem relata eo etiam ſenſu uſurpantur quem Græca lingua receperat, h. e. de expiatione reatus & averſione iræ numinis aut pœnæ.* Crell. c. 10. p. 499.

tory Sacrifice to *God* in his Death, for then he grants that καθαίρειν and ἁγιάζειν being applied to the Sacrifice of *Christ*, are to be taken *for the purging away of guilt*, and the *Aversion of the Wrath of God*, and *the punishment of sin*. And it is to no purpose to say, that it is not a proper Sacrifice, for if the Effects of a proper Sacrifice do belong to it, that proves that it is so; for these words being acknowledged to be applied to the Sacrifice of Christ by the Author to the *Hebrews*, what could more evince that *Christ*'s was a proper *Sacrifice*, than that those things are attributed to it, which by the consent of all Nations, are said to belong to proper *Sacrifices*, and that in the very same sense in which they are used by those who understood them in the most proper sense. And what reason could *Crellius* have to say, *that it was only the Superstition of the Heathens, which made them attribute such Effects to Sacrifices*; when himself acknowledges that the very same sense doth belong to the Sacrifice of Christ under that Notion? And as to the Jews we have already proved that the sense of Expiation among them was by virtue of the Law to be taken in as proper a sense as among the *Heathens*, for the purging of guilt, and the Aversion of the Wrath of God. And why should *Crellius* deny that effect of the Sacrifice of Christ as to the Atonement of God, *because God's love was seen in giving him who was to offer the Sacrifice?* Since that effect is attributed to those *Sacrifices* under the Law which God himself appointed to be offered, and shewed his great kindness to the People in the Institution of such a way, whereby their sins might be expiated, and they delivered from the Punishment of them. But of the consistency of these two, I shall speak more afterwards, in the Effect of the Sacrifices as relating to Persons.

Expiation attributed to the Sacrifice of Christ in the same sense that it was to other Sacrifices.

VI. We now come to consider in what sense the *Expiation* of sins is in *Scripture* attributed to the Sacrifice of Christ, and therein I shall prove these two things. 1. That the Expiation is attributed to the Sacrifice of Christ in the same sense that it is attributed to other Sacrifices, and as the words in themselves do signifie. 2. That what is so attributed doth belong to the Sacrifice of Christ in his Death, antecedent to his entrance into Heaven. 1. That the *Expiation* is to be taken in a proper sense, when it is attributed to the Sacrifice of Christ: *Crellius* tells us, *The controversie is not about the thing*, viz. *Whether Expiation in the sense we take it in for purging away guilt, and Aversion of the Wrath of God, doth belong to the Sacrifice of Christ, for he acknowledges it doth, but all the question is about the manner of it:* Which in the next Section he thus explains: *There are three senses in which Christ may be said to expiate sins; either by begetting Faith in us, whereby we are drawn off from the Practice of sin, in which sense*, he saith, *it is a remoter antecedent to it; or as it relates to the Expiation by actual deliverance from Punishment*, so he saith, *it is an immediate antecedent to it: Or as he declares that they are expiated, but this*, he saith, *doth not so properly relate to Christ as a Sacrifice, but as a Priest.* But never a one of these senses comes near to that which *Crellius* grants to be the proper importance of καθαίρειν and ἁγιάζειν, as applied to a Sacrifice, *viz. The purging away guilt, and the Aversion of the Wrath of God, and Punishment*, not any way, but by the means of the Sacrifice offered. For in the *Legal Sacrifices* nothing can be more plain than that the Expiation was to be by the Sacrifice offered for *Atonement:* Supposing then that in some other way (which could be by no means proper to those Sacrifices) Christ may

Crell. c. 10. sect. 24.

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be said to expiate sins, what doth this prove that there was an Expiation belonging to his Sacrifice agreeable to the Sacrifices of old? But as I urged before in the case of *Christ*'s being *High-Priest*, that by their Assertions the *Jews* might utterly deny the force of any Argument used by the *Author* to the *Hebrews* to prove it: So I say as to the Expiation by Christ's Sacrifice, that it hath no Analogy or Correspondency at all with any Sacrifice that was ever offered for the Expiation of sins. For by that they always understood something which was immediately offered to God for that end, upon which they obtained Remission of sins; but here is nothing answerable to it in their sense of Christ's Sacrifice; for here is no Oblation at all made unto God for this end; all the Efficacy of the Sacrifice of Christ, in order to Expiation doth wholly and immediately Respect us; so that if it be a proper Sacrifice to any, it must be a Sacrifice to us, and not to God: For a Sacrifice is always said to be made to him whom it doth immediately Respect; but Christ in the planting Faith, in actual deliverance, in declaring to us this deliverance, doth wholly Respect us, and therefore his Sacrifice must be made to Men, and not to God. Which is in it self a gross absurdity, and repugnant to the nature and design of Sacrifices from the first institution of them; which were always esteemed such immediate parts of Divine Worship, that they ought to respect none else but God, as the object to which they were directed, though for the benefit and advantage of Mankind. As well then might Christ be said *to pray for us*, and by that no more be meant but that *he doth teach us to understand our duty*; as be made an Expiatory Sacrifice for us, and all the Effect of it only respect us and not God. And this is so far *from adding to the perfection of Christ's Sacrifice above the Legal* (which is the thing pleaded by *Crellius*) that it destroys the very nature of a *Sacrifice*, if such a way of Expiation be attributed to it (which though conceived to be more excellent in itself) yet is wholly incongruous to the end and design of a *Sacrifice* for *Expiation*. And the excellency of the manner of Expiation ought to be in the same kind, and not quite of another nature; for, will any one say, that a *General* of an *Army* hath a more *excellent Conduct* than all that went before him, because he can make *finer Speeches*; or that the *Assomanæan* Family discharg'd the Office of *Priesthood* best, because they had a *greater Power* over the People; or that *Nero* was the most *excellent Emperour* of *Rome* because he excelled the rest in *Musick* and *Poetry*: By which we see that to assert an excellency of one above another, we must not go to another kind, but shew its excellency in *that* wherein the Comparison lies: So that this doth not prove the excellency of the *Sacrifice* of *Christ*, because he hath a greater Power to perswade, deliver and govern, than any *Sacrifice* under the Law; for these are things quite of another nature from the Consideration of a *Sacrifice*: But therein the excellency of a *Sacrifice* is to be demonstrated, that it excells all other in the proper end and design of a *Sacrifice*, *i. e.* if it be more effectual towards God for obtaining the Expiation of sin; which was always thought to be the proper end of all *Sacrifices* for Expiation. Although then Christ may be allowed to excel all other *Sacrifices* in all imaginable Respects but that which is the proper intention of a *Sacrifice*; it may prove far greater excellency in Christ, but it doth withall prove a greater Imperfection in his Sacrifice, if it fail in that which is the proper end of it. So that if we should grant that the Expiation attributed to Christ's Sacrifice signified no more than reclaiming

Crell c. 10 *sect.* 26.

claiming Men from their sins, or their deliverance by his Power, or a Declaration of God's decree to pardon, this may prove that there are better Arguments to believe the Remission of our sins now under the Gospel; but they do not in the least prove that *Christ* is to be consider'd as a *Sacrifice*; much less that he doth far excell in the notion of an Expiatory Sacrifice all those which were offered up to God for that end under the Law.

Expiation by Christ not meerly declarative.

VII. But we must now further consider, whether this be all attributed to Christ in order to Expiation in *Scripture*; *i.e.* Whether those words which of themselves do imply *the Aversion of the Wrath of God*, when used concerning other Sacrifices, when applied to the Sacrifice of Christ, do only imply the begetting Faith in us, or a Declaration of Pardon. The words which are used to this purpose, are καθαρίζειν, ἁγιάζειν, ῥαντίζειν, λύειν, which are all applied to the Blood of Christ, and the dispute is, whether they signifie no more but a Declaration of Pardon, or a means to beget Faith in us. *The first words* καθαρίζειν *and* ἁγιάζειν Crellius *acknowledgeth do frequently signifie deliverance from guilt and punishment; but*, he saith, *they may likewise signifie a Declaration of that deliverance, as decreed by God, or a purging from the sins themselves, or from the Custom of sinning.* So that by *Crellius* his own Confession, the sense we contend for is most proper and usual, the other are more remote, and only possible; why then should we forsake the former sense, which doth most perfectly agree to the nature of a *Sacrifice*, which the other senses have no such Relation to, as that hath? For these being the words made use of in the *New Testament*, to imply the Force and Efficacy of a *Sacrifice*, why should they not be understood in the same sense which the *Hebrew* words are taken in, when they are applied to the *Sacrifices* under the Law? We are not enquiring into all possible senses of words, but into the most natural and agreeable to the scope of them that use them: And that we shall make it appear to be the same, we plead for in the places in dispute between us; as, 1 John 1. 7. *The Blood of Jesus Christ his Son,* καθαρίζει ἡμᾶς ἀπὸ πάσης ἁμαρτίας, *purgeth us from all sin*, Heb. 9. 13, 14. *If the Blood of Bulls, and of Goats, and the Ashes of an Heifer, sprinkling the unclean,* ἁγιάζει πρὸς τὴν τῆς σαρκὸς καθαρότητα *sanctifieth to the purifying of the flesh, How much more shall the Blood of Christ purge your Consciences from dead works,* καθαριεῖ τὴν συνείδησιν? Heb. 1. 3. δι' ἑαυτοῦ καθαρισμὸν ποιησάμενος τῶν ἁμαρτιῶν ἡμῶν, *when he had by himself purged our sins.* So ῥαντίζειν *and* λύειν are used with a Respect to the Blood of Christ, *Heb.* 10. 22. *Apocalyp.* 1. 5. And because Remission of sin was looked on as the consequent of Expiation by Sacrifice under the Law; therefore that is likewise attributed to the Blood of Christ, *Matth.* 26. 28. *This is the Blood of the New Testament which was shed for many,* εἰς ἄφεσιν ἁμαρτιῶν, *for the Remission of sins*, Eph. 1. 7. *In whom we have Redemption through his Blood, the Remission of sins*, and to the same purpose, *Coloss.* 1. 14. And from hence we are said *to be justified by his Blood*, Rom. 5. 9. and Christ is said to be *a Propitiation through faith in his Blood*, Rom. 3. 25. The substance of all that *Crellius* replies to these places is,

Crell. cap. 10. *sect.* 28. *p.* 506.

Crell. c. 10. *sect.* 28. *That those words which do properly signifie the thing it self, may very conveniently be taken only for the Declaration of it, when the performance of the thing doth follow by virtue of that Declaration: Which then happens, when the Declaration is made of the thing decreed by another, and that in the name and by the command of him who did decree it. And in this sense,*

Christ

Christ by his Blood may be said to deliver us from the Punishment of our sins, by declaring or testifying to us the will and decree of God for that purpose. But this answer is by no means sufficient, upon these Considerations; 1. Because it doth not reach the proper and natural sense of the words, as *Crellius* himself confesseth; and yet he assigns no reason at all, why we ought to depart from it, unless the bare possibility of another meaning be sufficient. But how had it been possible for the Efficacy of the *Blood* of Christ for *purging away the guilt of our sins*, to have been expressed in clearer and plainer terms than these, which are acknowledged of themselves to signifie as much as we assert? If the most proper Expressions for this purpose, are not of Force enough to perswade our Adversaries, none else could ever do it: So that it had been impossible for our Doctrine to have been delivered in such terms, but they would have found out ways to evade the meaning of them. It seems very strange, that so great an Efficacy should not only once or twice, but so frequently be attributed to the Blood of Christ for Expiation of sin, if nothing else were meant by it, but that Christ by his Death did only declare that God was willing to pardon sin? If there were danger in understanding the words in their proper sense, why are they so frequently used to this purpose? Why are there no other places of Scripture that might help to undeceive us, and tell us plainly, that Christ dyed only to declare his Father's will? But what ever other words might signifie, this was the only true meaning of them. But what miserable shifts are these, when Men are forced to put off such Texts which are confessed to express our Doctrine, only by saying that they may be otherwise understood? Which destroys all kind of certainty in words; which by reason of the various use of them, may be interpreted to so many several senses, that if this liberty be allowed, upon no other pretence, but that *another meaning is possible*, Men will never agree about the intention of any person in speaking. For upon the same reason, if it had been said, *That Christ declared by his death God's readiness to pardon*, it might have been interpreted, *That the Blood of Christ was therefore the Declaration of God's readiness to pardon, because it was the Consideration upon which God would do it:* So that if the words had been as express for them, as they are now against them, according to their way of answering places, they would have been reconcileable to our Opinion. 2. The Scripture in these Expressions, doth attribute something *peculiar* to the *Blood of Christ*; but if all that were meant by it were no more, than the *declaring God's* Will to pardon, this could in no sense be said to be peculiar to it. For this was the design of the Doctrine of Christ, and all his Miracles were wrought to confirm the truth of that part of his Doctrine, which concerned Remission of sins as well as any other: But how absurd would it have been to say, that the *Miracles* of Christ *purge us from all sin*, that through *Christ healing the sick, raising the dead*, &c. We have *Redemption, even the forgiveness of sins*, which are attributed to the *Blood of Christ?* But if no other Respect, than as a Testimony to the truth of the Doctrine of Remission of sins, they were equally applicable to one as to the other. Besides, if this had been all intended in these Expressions, they were the most incongruously applied to the *Blood* of Christ; nothing seeming more repugnant to the Doctrine of the Remission of sins, which was declared by it, than that very thing by which it was declared, if no more were intended by it: For how unsuitable

ſuitable a way was to it declare the pardon of the guilty Perſons, by ſuch Severities uſed towards the moſt Innocent! Who could believe, That God ſhould declare his willingneſs to pardon others, by the Death of his own Son; unleſs that Death of his be conſidered as the *meritorious Cauſe* for procuring it? And in that ſenſe we acknowledge, That the Death of Chriſt was a *Declaration* of God's will and decree to pardon, but not meerly as it gave *Teſtimony* to the truth of his Doctrine (for in that ſenſe the *Blood* of the *Apoſtles* and *Martyrs* might be ſaid *to purge us from ſin*, as well as the *Blood of Chriſt*) but becauſe it was the *Conſideration* upon which God had decreed to pardon. And ſo as the acceptance of the Condition required, or the price paid, may be ſaid to declare or manifeſt, the intention of a perſon to releaſe or deliver a Captive: So God's acceptance of what Chriſt did ſuffer for our ſakes, may be ſaid to *declare* his readineſs to pardon us upon his account. But then this *Declaration* doth not belong properly to the Act of Chriſt in ſuffering; but to the Act of God in accepting: And it can be no other ways known, than *God*'s acceptance is known; which was not by the *Sufferings*, but by the *Reſurrection* of *Chriſt*. And therefore the declaring God's will and decree to pardon, doth properly belong to that: And if that had been all which the *Scripture* had meant, by *purging of ſin by the Blood of Chriſt*, it had been very incongruouſly applied to that, but moſt properly to his *Reſurrection*. But theſe Phraſes being never attributed to that which moſt properly might be ſaid *to declare* the Will of God; and being peculiarly attributed to the *Death* of Chriſt, which cannot be ſaid properly to do it; nothing can be more plain, than that theſe Expreſſions ought to be taken in that which is confeſſed to be their proper ſenſe; *viz.* That *Expiation* of ſin, which doth belong to the Death of Chriſt, as a *Sacrifice* for the ſins of the World.

The death of Chriſt not taken Metonymically for all the conſequents of it.

VIII. But yet *Socinus* and *Crellius* have another ſubterfuge, (for therein lies their great art, in ſeeking rather by any means to eſcape their Enemies, than to overcome them.) For being ſenſible, that the main ſcope and deſign of the *Scripture* is againſt them, they ſeldom, and but very weakly aſſault: But ſhew all their ſubtlety in avoiding by all imaginable arts, the force of what is brought againſt them. And the *Scripture* being ſo plain in attributing ſuch great Effects to the Death of Chriſt, when no other anſwer will ſerve turn, then they tell us, *That the Death of Chriſt is taken Metonymically for all the conſequents of his Death*; viz. *His Reſurrection, Exaltation, and the Power and Authority which he hath at the right hand of his Father.* But how is it poſſible to convince thoſe, who by *Death*, can underſtand *Life*: by *ſufferings*, can mean *Glory*; and by the *ſhedding of Blood, ſitting at the right hand of God?* And that the *Scripture* is very far from giving any Countenance to theſe bold Interpretations, will appear by theſe Conſiderations; 1. Becauſe the *Effect* of *Expiation of our ſins*, is attributed to the *Death of Chriſt*, as diſtinct from his *Reſurrection*; viz. *Our Reconciliation with God*, Rom. 5. 10. *For if when we were Enemies, we were reconciled to God by the Death of his Son; much more being reconciled, we ſhall be ſaved by his Life.* To which *Crellius* anſwers, *That the Apoſtle doth not ſpeak of the Death of Chriſt alone, or as it is conſidered diſtinct from the conſequences of it; but only that our Reconciliation was effected by the Death of Chriſt intervening.* But nothing can be more evident to any one, who conſiders the Deſign of the *Apoſtles* diſcourſe,

Crell. c. 1. ſect. 103. ſect. 119. c. 10. ſect. 45. p. 527.

Crell. c. 1. ſect. 112.

than

than that he ſpeaks of what was peculiar to the Death of Chriſt: For therefore it is ſaid, that *Chriſt died for the ungodly. For ſcarcely for a righteous Man will one die: But God commendeth his love towards us, in that while we were yet ſinners, Chriſt died for us. Much more then being now juſtified by his Blood, we ſhall be ſaved through him*; upon which thoſe words follow, *For if when we were Enemies, we were reconciled to God by the Death of his Son*, &c. The Reconciliation here mentioned, is attributed to the Death of Chriſt in the ſame ſenſe, that it is mentioned before; but there it is not mentioned as a *bare Condition intervening* in order to ſomething farther; but as the great inſtance of the love both of *God and Chriſt*; of God, in ſending his Son; of Chriſt, in laying down his life for ſinners, in order to their being juſtified by his Blood. But where is it that St. *Paul* ſaith, that the Death of Chriſt had no other influence on the Expiation of our ſins, but as a bare Condition intervening in order to that Power and Authority whereby he would expiate ſins? What makes him attribute ſo much to the Death of Chriſt, if all the benefits we enjoy depend upon the Conſequences of it; and no otherwiſe upon that, than meerly as a Preparation for it? What peculiar *Emphaſis* were there in Chriſt's *dying for ſinners, and for the ungodly*; unleſs his Death had a particular Relation to the Expiation of their ſins? Why are Men ſaid *to be juſtified by his Blood*, and and not much rather by his *glorious Reſurrection*, if the Blood of Chriſt be only conſidered as antecedent to the other? And that would have been the great Demonſtration of the love of God which had the moſt immediate influence upon our advantage: Which could not have been the Death in this ſenſe, but the Life and Glory of Chriſt. But nothing can be more abſurd than what *Crellius* would have to be the meaning of this place, viz. *That the Apoſtle doth not ſpeak of the proper force of the Death of Chriſt diſtinct from his Life*; *but that two things are oppoſed to each other, for the effecting of one of which the Death of Chriſt did intervene, but it ſhould not intervene for the other*; viz. *It did intervene for our Reconciliation, but it ſhould not for our Life.* For did not the Death of Chriſt equally intervene for our *Life* as for our *Reconciliation?* Was not our eternal deliverance the great thing deſigned by Chriſt, and our Reconciliation in order to that end? What oppoſition then can be imagined, that it ſhould be neceſſary for the Death of Chriſt to intervene in order to the one than in order to the other? But he means, *that the Death of Chriſt ſhould not intervene any more*; what need that, when it is acknowledged by themſelves, that Chriſt died only for this end before, that he might have Power to beſtow eternal Life on them that obey him? But the main force of the Apoſtles Argument lies in the Compariſon between *the Death of Chriſt* having Reſpect to us *as Enemies* in order to *Reconciliation*, and the *Life of Chriſt* to us conſidered as *reconciled*; ſo that if he had ſo much kindneſs for Enemies, to die for their Reconciliation, we may much more preſume that he now living in Heaven will accompliſh the end of that Reconciliation, in the eternal Salvation of them that obey him. By which it is apparent that he ſpeaks of the Death of Chriſt, in a notion proper to it ſelf, having influence upon our Reconciliation; and doth not conſider it *Metonymically* as comprehending in it, the conſequents of it.

Rom. 5. 6. 7. 8. 9. 10.

Expiation attributed to Chriſt antecedently to his entrance into heaven.

IX. 2. Becauſe the Expiation of ſins is attributed to Chriſt antecedently to the great conſequents of his Death, viz. *his ſitting at the right hand of God*, Heb. 1. 3. *When he had by himſelf purged our ſins, ſate down*

down on the right hand of his Majesty on high, Heb. 9. 11. *But by his own Blood he entred in once into the Holy Place, having obtained eternal Redemption for us.* To these places *Crellius* gives a double answer, Crell.c.10. sect. 50. 1. *That indefinite Particles* (εὑρόμενος and ποιησάμενος) *being joyned with Verbs of the preterperfect tense do not always require that the Action expressed by them, should precede that which is designed in the Verbs to which they are joyned; but they have sometimes the force of Particles of the present or imperfect tense; which sometimes happens in Particles of the preterperfect tense*, as Matth. 10. 5. ἀπέστειλαν παραγγείλας αὐτοῖς, so ἀπελθεῖς εἶπεν; and several other instances produced by him: According to which manner of Interpretation the sense he puts upon those words, *Heb.* 9. 12. is *Christ by the shedding of his Blood entred into the Holy of Holies, and in so doing he found eternal Redemption, or the Expiation of sins.* But not to dispute with *Crellius* concerning the importance of the *Aorist* being joyned with a *Verb* of the *preterperfect* tense, which in all reason and common Acceptation doth imply the Action past by him who writes the words antecedent to his writing of it, as is plain in the instances produced by *Crellius*; but according to his sense of Christ's Expiation of sin, it was yet to come after Christ's entrance into Heaven, and so it should have been more properly εὑρησόμενος than εὑρόμενος; not I say to insist upon that, the *Apostle* manifests, that he had a Respect to the Death of Christ in the obtaining this *eternal Redemption*, by his following discourse: For *v.* 14. he compares the *Blood of Christ* in point of Efficacy for Expiation of sin, with the *Blood* of the Legal Sacrifices: Whereas if the Expiation meant by him had been found by *Christ's Oblation* of himself in Heaven, he would have compared *Christ's entrance into Heaven* in order to it, with the *entrance of the High-Priest into the Holy of Holies*, and his Argument had run thus. For if the *High-Priest* under the Law did expiate sins by entring into the Holy of Holies; How much more shall the Son of God entring into Heaven expiate the sins of Mankind? But we see the *Apostle* had no sooner mention'd the *Redemption* obtained for us; but he presently speaks of the Efficacy of the *Blood* of Christ in order to it, and as plainly asserts the same, v. 15. *And for this cause he is the Mediator of the New Testament, that by means of death, for the Redemption of the Transgressions which were under the first Testament, they which were called might receive the promise of eternal Inheritance.* Why doth the *Apostle* here speak of the ἀπολύτρωσις τῆς παραβάσεων, *the Expiation of sins by the means of Death*; if he had so lately asserted before that the Redemption or Expiation was found not by his death, but by his entrance into Heaven? And withal the *Apostle* here doth not speak of such a kind of Expiation as wholly Respects the *future*, but of *sins that were under the first Testament*, not barely such as could not be expiated by virtue of it, but such as were committed during the time of it, although the Levitical Law allowed no Expiation for them. And to confirm this sense, the *Apostle* doth not go on to prove the necessity of *Christ's entrance into Heaven*; but *of his dying*, v. 16, 17, 18. But granting that he doth allude to the *High-Priest's* entring into the *Holy of Holies*, yet that was but the Representation of a Sacrifice already offer'd, and he could not be said to find Expiation by his entrance; but that was already found by the *Blood* of the Sacrifice, and his entrance was only to accomplish the end for which the Blood was offer'd up in Sacrifice. And the benefit which came to Men is attributed to the *Sacrifice*, and not to the

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ſprinkling of Blood before the *Mercy-ſeat:* And whatever effect was conſequent upon his entrance into the Sanctuary, was by virtue of the Blood which he carried in with him, and was before ſhed at the Altar. Neither can it with any reaſon be ſaid, that if the Redemption were obtained by the Blood of Chriſt, *there could be no need of his entrance into Heaven*; ſince we do not make the *Prieſthood* of Chriſt to expire at his Death; but that he is in Heaven a merciful High-Prieſt in negotiating the Affairs of his People with God, and *there ever lives to make interceſſion for them.*

No diſtinction in Scripture of the effects of Chriſt's entrance into Heaven from his ſitting at the right hand of God. *Crell.* c. 10. *ſect.* 50. p. 537.

X. *Crellius* anſwers, *That granting the Aoriſt being put before the Verb,* ἐκάθισεν *ſhould imply ſuch an Action which was antecedent to Chriſt's ſitting at the right hand of God, yet it is not there ſaid, that the Expiation of ſins was made before Chriſt's entrance into Heaven; for thoſe,* ſaith he, *are to be conſidered as two different things; for a Prince firſt enters into his Palace, before he ſits upon his Throne. And therefore,* ſaith he, *Chriſt may be ſaid to have made Expiation of ſins, before he ſate down at the right hand of his Father, not that it was done by his death but by his entrance into Heaven, and offering himſelf to God there, by which means he obtained his ſitting on the right hand of the Majeſty on High, and thereby the full Power of Remiſſion of ſins, and giving eternal Life.* To which I anſwer, 1. That the *Scripture* never makes ſuch a diſtinction between *Chriſt's entrance into Heaven, and ſitting at the right hand of God*; which latter implying no more but the glorious ſtate of Chriſt in Heaven, his entrance into Heaven doth imply it: For therefore *God exalted him to be a Prince and a Saviour:* And the reaſon of the Power and Authority given him in Heaven is no where attributed to his *entrance* into it as the means of it; but our Saviour before that tells us, *that all Power and Authority was committed to him*; and his very entrance into Heaven was a part of his Glory; and given him in Conſideration of his Sufferings; as the *Apoſtle* plainly aſſerts; *and he became obedient to death, even the death of the Croſs, wherefore God hath highly exalted him,* &c. There can be then no imaginable reaſon to make the entrance of Chriſt into Heaven, and preſenting himſelf to God there, a Condition or means of obtaining that Power and Authority which is implyed in his *ſitting at the right hand of God.* 2. Suppoſing, we ſhould look on theſe as diſtinct, there is as little reaſon to attribute the Expiation of ſin to his *entrance*, conſidered as diſtinct from the other: For the Expiation of ſins in Heaven being by *Crellius* himſelf confeſſed to be by the Exerciſe of Chriſt's Power, and this being only the means to that Power, how could Chriſt expiate ſins by that power which he had not? But of this I have ſpoken before, and ſhewed that in no ſenſe allowed by themſelves the Expiation of ſins can be attributed to the entrance of Chriſt into Heaven as diſtinct from his ſitting at the right hand of God. Thus much may ſuffice to prove, that thoſe effects of an Expiatory Sacrifice, which do reſpect the ſins committed, do properly agree to the Death of Chriſt.

Matth. 28. 18.

Phil. 2. 8, 9.

Of the Atonement made by Chriſt's death.

XI. I now come to that which reſpects the Perſon, conſidered as obnoxious to the Wrath of God by reaſon of his ſins: And ſo the Effect of an Expiatory Sacrifice is *Atonement* and *Reconciliation.* By the *Wrath of God*, I mean, the reaſon which God hath from the Holineſs and juſtice of his nature, to puniſh ſin in thoſe who commit it: By the means of *Atonement* and *Reconciliation*, I mean, that in Conſideration of which, God is willing to releaſe the ſinner from the Obligation to Puniſhment

nishment he lies under by the Law of God, and to receive him into favour upon the terms which are declared by the Doctrine of Christ. And that the Death of Christ was such a means of *Atonement* and *Reconciliation* for us, I shall prove by those places of Scripture which speak of it. But *Crellius* would seem to acknowledge, *That if* Grotius *seem to contend for no more, than that Christ did avert that Wrath of God which Men had deserved by their sins, they would willingly yield him all that he pleads for:* But then he adds, *That this deliverance from the Wrath to come, is not by the Death, but by the Power of Christ.* So that the question is, Whether the *Death of Christ* were the means of Atonement and Reconciliation between God and us? And yet *Crellius* would seem willing to yield too, *that the Death of Christ may be said to avert the Wrath of God from us, as it was a Condition in order to it*; for in that sense it had no more influence upon it than his *Birth* had: But we have already seen, that the Scripture attributes much more to the *Death and Blood of Christ*, in order to the Expiation of sin. We do not deny, that the Death of Christ may be called a Condition, as the performance of any thing in order to an end, may be called the Condition upon which that thing is to be obtained; but we say, that it is not a *bare Condition*, but such a one as implies a *Consideration*, upon which the thing is obtained, being such as answers the end of him that grants it: By which means it doth propitiate or atone him, who had before just reason to punish, but is now willing to forgive and be reconciled to them, who have so highly offended him. And in this sense we assert, that Christ is said to be ἱλασμὸς, *a propitiation for our sins*, 1 Joh. 2. 2——4. 10. which we take in the same sense that ἱλασμὸς is taken for the *sin-offering*, *for Atonement*, Ezek. 44. 27. προσπίσται ἱλασμὸν, *they shall offer a sin-offering*; for so חטאת there signifies, and in the same sense ἐξιλασμὸς is taken, *Ezek.* 45. 19. and *the Ram for Atonement* is called κριὸς τοῦ ἱλασμοῦ, *Numb.* 5. 8. And thence the *High-Priest* when he made an *Atonement*, is said ποιεῖν τὸ ἱλασμὸν, 2 *Maccab.* 3. 33. which is of the greater consequence to us, because Crellius *would not have the sense either of* ἱλασμὸς or ἱλάσκεσθαι, *to be taken from the common use of the word in the Greek Tongue*; *but from that which some call the Hellenistical use of it*; viz. *That which is used in the Greek of the New Testament, out of the LXX. and the Apocryphal Greek*; in both which we have found the word ἱλασμὸς in a sense fully correspondent to what we plead for. But he yet urges, and takes a great deal of pains to prove, that ἱλάσκεσθαι and ἐξιλάσκεσθαι *do not always signifie to be appeased by another, but sometimes signifies to be Propitious and Merciful in pardoning*; *and sometimes to expiate, and then signifies the same with* καθαρίζειν and ἁγιάζειν: Which if it be granted, proves nothing against us, having already proved, that those words do signifie the *Aversion of the Wrath of God by a Sacrifice*, and that there is no reason to recede from that Signification, when they are applied to the *Blood* of *Christ*. And we do not contend, that when the word ἱλασμὸς or ἱλάσκεσθαι is applied to him that doth forgive, it doth imply *appeasing*; but the effect of it, which is *pardoning*; but that which we assert, is, that when it is applied to a third person, or a thing made use of in order to forgiveness, then we say it signifies the propitiating him that was justly displeased: So as by what was done or suffered for that end, he is willing to pardon what he had just reason to punish. So *Moses is said, to make Atonement for the People by his Prayers*, ἐν ἱλάσθη περὶ αὐτῶν ἡ προσευχὴ, *Exod.* 34. 14.

Crell. c. 7. sect. 3.

Crell. 7. sect. 10.

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and we may see *Verse* 11. how much God was displeased before. *And* Moses *besought the Lord his God*, and said, *Why doth thy Wrath wax hot against thy People?* And Verse 12. *Turn from thy fierce Wrath, and repent of this evil against thy People*, and then it is said, Verse 14. *The Lord was atoned for the evil which he thought to do unto his People.* I would therefore willingly know, why *Moses* might not here properly be said, ἱλάσκεσθαι τὸν περὶ τῆς κακίας, as it is said ἱλάσθη κύριος περὶ τῆς κακίας, and therefore since it is so very often said in the Levitical Law, ἱλάσκεσθαι and ἐξιλάσκεσθαι περί τινος, as περὶ αὐτῶν, περὶ τῆς ἁμαρτίας, περὶ ψυχῶν, and the Accusative case scarce ever put but in two Cases; (*viz.* When these words are applied to inanimate things, as the Altar, *&c.* or when to God himself, implying forgiveness) what reason can we assign more probable for this different Construction, than that when περὶ is used, the Verb hath a Respect to the offended party as the Accusative understood? As *Christ* is said in the places mentioned to be ἱλασμὸς περὶ ἁμαρτιῶν, which ought in reason to be understood as those words after *Moses* his intercession, ἧς ἱλάσθη κύριος περὶ τῆς κακίας. But *Crellius* asks, *Why then do we never read once concerning the Priest, that he did* ἱλάσκεσθαι τὸν θεὸν περὶ ἁμαρτιῶν or περί τινος, *but we read that he did* ἐξιλάσκεσθαι τὸ ἅγιον τὸ θυσιαστήριον, *and God is said,* ἐξιλάσκεσθαι τὰς ἁμαρτίας. To this I answer, 1. That the reason why the person propitiated, is not expressed, is, because it was so much taken for granted, that the whole Institution of Sacrifices did immediately Respect God, and therefore there was no danger of mistaking, concerning the person who was to be atoned. 2. I wonder *Crellius* can himself produce no instance where ἐξιλάσκεσθαι τὰς ἁμαρτίας is used with a Respect to the Sacrifices, and the Persons whose Offences are remitted by the Atonement; but where ἱλάσκεσθαι hath a Relation to that, it is still joyned with a Preposition relating either to the Person or to the Offences; if no more were understood when it is so used, than when God himself is said to do it, why is not the Phrase ἐξιλάσκεσθαι τὰς ἁμαρτίας, as well said of the Priest, as it is of God? From whence *Grotius* his sense of *Heb.* 2. 17. εἰς τὸ ἱλάσκεσθαι τὰς ἁμαρτίας for ἱλάσκεσθαι θεὸν περὶ τῶν ἁμαρτιῶν, is far more agreeable to the use of the Phrase in the Old Testament, than that which *Crellius* would put upon it. Therefore since the ἱλασμὸς ὑπὲρ τῶν ἁμαρτιῶν is attributed to Christ, we ought to take it in the sense proper to a Propitiatory Sacrifice: So it is said by *Moses*, where God is left out, but is necessarily understood, after the People had provoked God by their Idolatry; *Ye have sinned a great sin: And now I will go up unto the Lord,* ἵνα ἐξιλάσωμαι ὑπὲρ τῶν ἁμαρτιῶν ὑμῶν, *That I may make an Atonement for your sin:* What way could *Moses* be said to make this *Atonement*, but by propitiating God; yet his name is not there expressed, but necessarily understood. So ἐξιλάσκεσθαι τὸ πρόσωπον is used in the most proper sense for appeasing the anger of a Person, *Gen.* 32. 20. And ἐν τινι ἐξιλάσομαι, 2 *Sam.* 21. 3. Which places have been already insisted on, in the Signification of the word כפר. And that those places wherein Christ is said to be a propitiation for our sins, are capable of no other sense, will appear from the Consideration of Christ, as a middle person between God and us; and therefore his being ἱλασμὸς περὶ τῶν ἁμαρτιῶν, cannot be parallel with that Phrase, where God himself is said, ἐξιλάσκεσθαι τὰς ἁμαρτίας, for Christ is here considered as interposing between God and us, as *Moses* and the *Priests* under the Law did between God

God and the People in order to the averting his Wrath from them. And when one doth thus interpoſe in order to the Atonement of the offended party, ſomething is always ſuppoſed to be done or ſuffered by him, as the means of that Atonement. As *Jacob* ſuppoſed the preſent he made to his Brother would propitiate him; and *David* appeaſed the *Gibeonites* by the Death of *Saul's Sons*, both which are ſaid ἐξιλάσκεσθαι. So the *ſhedding of the Blood of Sacrifices* before and under the Law, was the means of *atoning God* for the ſins they committed. What reaſon can there be then why ſo receiv'd a ſenſe of *Atonement*, both among the *Jews*, and all other Nations at that time when theſe words were Written, muſt be forſaken; and any other ſenſe be embraced, which neither agrees with the Propriety of the Expreſſion, nor with ſo many other places of Scripture, which make the Blood of Chriſt to be a Sacrifice for the Expiation of ſin?

Of Reconciliation by Chriſt's death.

XII. Neither is it only our Atonement, but our Reconciliation is attributed to Chriſt too, with a Reſpect to his Death and Sufferings. As in the place before inſiſted on. *For if when we were Enemies, we were reconciled to God by the Death of his Son*; and more largely in the ſecond Epiſtle to the *Corinthians*. *And all things are of God, who hath reconciled us to himſelf by Jeſus Chriſt, and hath given to us the miniſtry of Reconciliation: To wit, that God was in Chriſt reconciling the World unto himſelf, not imputing their Treſpaſſes unto them, and hath committed to us the Word of Reconciliation. For he hath made him to be ſin for us who knew no ſin, that we might be made the Righteouſneſs of God in him.* And to the *Epheſians*, *And that he might reconcile both unto God in one body by his Croſs, having ſlain the enmity thereby.* To the ſame purpoſe to the *Coloſſians*, *And having made peace through the Blood of his Croſs, by him to reconcile all things to himſelf, by him I ſay whether they be things in Heaven or in Earth; and you that were ſometimes alienated and Enemies in your mind by wicked works, yet now hath he reconciled, in the body of his fleſh through Death.* Two things the ſubſtance of *Crellius* his anſwer may be reduced to concerning theſe places. 1. *That it is no where ſaid that God was reconciled to us, but that we are reconciled to God, and therefore this Reconciliation doth not imply any averting of the anger of God.* 2. *That none of theſe places do aſſert any Reconciliation with God antecedent to our Converſion, and ſo that the Reconciliation mention'd implies only the laying aſide our Enmity to God by our ſins.* I begin with the firſt of theſe, concerning which we are to conſider not barely the Phraſes uſed in Scripture, but what the nature of the thing implies; as to which a difference being ſuppoſed between God and Man on the account of ſin, no Reconciliation can be imagined but what is mutual. For did Man only fall out with God, and had not God juſt reaſon to be diſpleaſed with Men for their Apoſtaſie from him? If not, what made him ſo ſeverely puniſh the firſt ſin that ever was committed by Man? What made him puniſh the old World for their impieties by a Deluge? What made him leave ſuch Monuments of his anger againſt the ſins of the World in ſucceeding Ages? What made him add ſuch ſevere Sanctions to the Laws he made to the People of the *Jews?* What made the moſt upright among them ſo vehemently to deprecate his Wrath and Diſpleaſure upon the ſenſe of their ſins? What makes him declare not only his hatred of the ſins of Men, but of the Perſons of thoſe who commit them; ſo far as to expreſs the greateſt abhorrency of them? Nay, what makes our Adverſaries themſelves to ſay, *that impiety is in its*

2 Cor. 18, 19, 21.

Eph. 2. 16.

Col. 1. 21, 22.

Crell. c. 7. ſect. 15, 16, 17, 18, &c.

Pſal. 6. 1. 38. 1. Pſal. 5. 5. 7. 11. 11. 5. Levit. 26. 30.

Crell. de Deo & Attrib. l. 1. c. 30.

its own nature hateful to God, and stirs him up to anger against all who commit it? What means, I say, all this, if God be not angry with Men on the account of sin? Well then; supposing God to be averse from Men by reason of their sins, shall this displeasure always continue or not? If it always continues, Men must certainly suffer the desert of their sins; if it doth not always continue, then God may be said to be *reconciled* in the same sense that an offended party is capable of being reconciled to him who hath provoked him. Now there are two ways whereby a party justly offended may be said to be *reconciled* to him that hath offended him. First, when he is not only willing to admit of terms of agreement, but doth declare his acceptance of the Mediation of a third Person, and that he is so well satisfied with what he hath done in order to it, that he appoints this to be published to the World to assure the offender, that if the breach continues, the fault wholly lies upon himself. The second is, when the offender doth accept of the terms of agreement offered, and submits himself to him whom he hath provoked, and is upon that received into Favour. And these two we assert must necessarily be distinguished in the Reconciliation between God and us. For upon the Death and sufferings of Christ, God declares to the World he is so well satisfied with what Christ hath done and suffered in order to the Reconciliation between himself and us, that he now publishes Remission of sins to the World upon those terms which the Mediator hath declared by his own Doctrine, and the *Apostles* he sent to preach it: But because Remission of sins doth not immediately follow upon the Death of Christ, without supposition of any Act on our part, therefore the state of Favour doth commence from the performance of the Conditions which are required from us. So that upon the Death of Christ *God* declaring his acceptance of Christ's Mediation, and that the Obstacle did not lie upon his part; therefore those Messengers who were sent abroad into the World to perswade men to accept of these terms of Agreement, do insist most upon that which was the remaining Obstacle, *viz.* The sins of Mankind, that Men by laying aside them, would be now reconciled to God, since there was nothing to hinder this Reconciliation, their obstinacy in sin excepted. Which may be a very reasonable account why we read more frequently in the Writings of the *Apostles*, of Mens duty in being reconciled to God; the other being supposed by them as the Foundation of their preaching to the World, and is insisted on by them upon that account, as is clear in that place to the *Corinthians*, *That God was in Christ reconciling the World to himself, not imputing unto Men their Trespasses, and hath committed to us the word of Reconciliation*; and therefore adds, *Now then we are Ambassadors for Christ, as though God did beseech you by us, we pray you in Christ's stead be ye reconciled to God:* And lest these words should seem dubious, he declares that the Reconciliation in Christ was distinct from that Reconciliation he perswades them to; for the Reconciliation in Christ he supposeth past, *v.* 18. *All things are of God, who hath reconciled us to himself by Jesus Christ*, and *v.* 21, he shews us how this Reconciliation was wrought. *For he hath made him to be sin for us who knew no sin, that we might be made the Righteousness of God in him.* *Crellius* here finds it necessary to acknowledge a twofold Reconciliation, but hopes to escape the force of this place by a rare Distinction *of the Reconciliation as preached by Christ, and by his Apostles; and so God's having reconciled the World to himself by Jesus Christ is nothing else*

2 Cor. 5. 19, 20.

Crell. c. 1. *sect.* 118. *cap.* 7. *sect.* 24.

else but Christ's preaching the Gospel himself, who afterwards committed that Office to his Apostles. But if such shifts as these will serve to baffle Mens understandings, both *they* were *made*, and the *Scriptures* were *written* to very little purpose; for if this had been all the *Apostle* had meant, that Christ preached the same Doctrine of Reconciliation before them, what mighty matter had this been to have solemnly told the World, that *Christ's Apostles* preached no other Doctrine, but what their *Master* had preached before? Especially if no more were meant by it, but that Men should leave their sins, and be reconciled to God. But besides, why is *the Ministry of Reconciliation*, then attributed only to the *Apostles*, and not to *Christ*, which ought in the first place to have been given to him, since the *Apostles* did only receive it from him? Why is that *Ministry of Reconciliation* said to be, viz. *That God was in Christ reconciling the World to himself?* Was this all the Subject of the *Apostles* preaching, to tell the World, that Christ perswaded Men to leave off their sins? How comes God to reconcile the World to himself by the preaching of *Christ*, since *Christ* himself saith, he was not sent to preach to the World; but *to the lost sheep of the house of Israel?* Was the World reconciled to God by the preaching of Christ, before they had ever heard of them? Why is God said not to *impute to Men their Trespasses* by the preaching of Christ, rather than his *Apostles*; if the not imputing were no more than declaring God's readiness to pardon; which was equally done by the *Apostles* as by *Christ* himself? Lastly, what force or dependence is there in the last words, *For he made him to be sin for us, who knew no sin*, &c. If all he had been speaking of before had only related to Christ's preaching? How was he *made sin* more than the *Apostles*, if he were only *treated as a sinner* upon the account of the same Doctrine which they preached equally with him? And might not Men be said to be made *the Righteousness of God in the Apostles*, as well as in *Christ*, if no more be meant, but being perswaded to be *Righteous*, by the Doctrine delivered to them?

In the two latter places, *Eph.* 2. 16. *Coloss.* 1. 20, *&c.* it is plain, that *a twofold Reconciliation* is likewise mentioned, the one of the *Jews* and *Gentiles* to one another, the other of both of them *to God.* For nothing can be more Ridiculous than the Exposition of *Socinus, who would have* τῷ Θεῷ *not to be joyned with the Verb* ἀποκαταλλάξη, *but to stand by it self, and to signifie that this Reconciliation of the Jews and Gentiles did tend to the Glory of God.* And *Crellius*, who stands out at nothing, hopes to bring off *Socinus* here too; by saying, *that it is very common, for the end to which a thing was appointed to be expressed by a Dative Case following the Verb*; but he might have spared his pains in proving a thing no one questions; the shorter answer had been to have produced one place where ἀποκαταλλάσειν Θεῷ ever signifies any thing but to be reconciled to God as the offended Party; or where-ever the Dative of the person following the Verb importing Reconciliation, did signifie any thing else but the Party with whom the Reconciliation was to be made. As for that objection concerning *things in Heaven being reconciled*; that Phrase doth not import such a Reconciliation of the *Angels* as of Men, but that Men and Angels upon the Reconciliation of Men to God, become one body under Christ, and are gathered together in him, as the *Apostle* expresseth it, *Eph.* 1. 10.

Crell. c. 7. *sect.* 30.

Objections answered.

XIII. 1. Having thus far proved, that the Effects of an Expiatory Sacrifice do belong to the Death of Christ, nothing now remains but

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an anſwer to be made to two Objections, which are commonly inſiſted on by our Adverſaries. The firſt is, *That God was reconciled before he ſent his Son, and therefore Chriſt could not die to reconcile God to us.* The ſecond is, *That the Doctrine of Satisfaction aſſerted by us, is inconſiſtent with the freeneſs of God's Grace in the Remiſſion of ſins:* Both which will admit of an eaſie Solution upon the Principles of the foregoing Diſcourſe. To the firſt I anſwer, That we aſſert nothing inconſiſtent with that love of God, which was diſcovered in ſending his Son into the World; we do not ſay, That God hated Mankind ſo much on the account of ſin, that it was impoſſible he ſhould ever admit of any terms of Reconciliation with them, which is the only thing inconſiſtent with the greatneſs of God's Love in ſending Chriſt into the World; but we adore and magnifie the infiniteneſs and unexpreſſible greatneſs of his Love, that notwithſtanding all the contempt of the former kindneſs and mercies of Heaven, he ſhould be pleaſed to ſend his own Son to die for ſinners, that they might be reconciled to him. And herein was the great Love of God manifeſted, that *while we were Enemies and Sinners, Chriſt died for us*, and that for this end, that we might be reconciled to God by his Death. And therefore ſurely, not in the ſtate of Favour or Reconciliation with God then. But it were worth the while, to underſtand what it is our Adverſaries mean, when they ſay, *God was reconciled when he ſent his Son, and therefore he could not die to reconcile God to us.* Either they mean, that God had decreed to be reconciled upon the ſending his Son, or that he was actually reconciled when he ſent him: If he only decreed to be reconciled, that was not at all inconſiſtent with Chriſt's dying to reconcile God and us in purſuance of that decree: If they mean, he was actually reconciled, then there was no need for Chriſt to die to reconcile God and us; but withal, actual Reconciliation implies pardon of ſin; and if ſin were actually pardoned before Chriſt came, there could be no need of his coming at all, and ſins would have been pardoned before committed; if they were not pardoned, notwithſtanding that Love of God, then it can imply no more, but that God was willing to be reconciled. If therefore not-remiſſion of ſins were conſiſtent with that Love of God; by which he ſent Chriſt into the World, then notwithſtanding that he was yet capable of being reconciled by his Death. So that our Adverſaries are bound to reconcile that Love of God, with not preſently pardoning the ſins of the World, as we are to reconcile it with the ends of the Death of Chriſt, which are aſſerted by us.

XIV. To the other Objection, *concerning the inconſiſtency of the Freeneſs of God's Grace with the Doctrine of Satisfaction*, I anſwer, Either God's Grace is ſo free as to exclude all Conditions, or not: If it be ſo free, as to exclude all Conditions, then the higheſt *Antinomianiſm* is the trueſt Doctrine; for that is the higheſt degree of the Freeneſs of Grace, which admits of no Conditions at all. If our Adverſaries ſay, *That the Freeneſs of Grace is conſiſtent with Conditions required on our part*, Why ſhall it not admit of Conditions on God's part? Eſpecially, when the Condition required, tends ſo highly to the end of God's governing the World, in the manifeſtation of his hatred againſt ſin, and the Vindication of the Honour of his Laws by the Sufferings of the Son of God in our ſtead, as an Expiatory Sacrifice for our ſins. There are two things to be conſidered in ſin, the diſhonour done to God, by the breach of his Laws, and the injury Men do to themſelves

The freeneſs of Grace aſſerted in Scripture, deſtroys not ſatisfaction.

by it; now Remiſſion of ſins, that Reſpects the injury which Men bring upon themſelves by it; and that is *Free*, when the Penalty is wholly forgiven, as we aſſert it is by the Goſpel to all penitent ſinners: But ſhall not God be free to vindicate his own Honour, and *to declare his Righteouſneſs to the World*, while he is *the Juſtifier of them that believe?* Shall Men in caſe of Defamation, be bound to vindicate themſelves, though they freely forgive the Authors of the ſlander, by our *Adverſaries own Doctrine?* And muſt it be repugnant to *God's Grace*, to admit of a *Propitiatory Sacrifice*, that the World may underſtand, that it is no ſuch eaſie thing to obtain pardon of ſin committed againſt God; but that as often as they conſider the bitter Sufferings of Chriſt, in order to the obtaining the forgiveneſs of our ſins, that ſhould be the greateſt Argument to diſſwade them from the Practice of them? But why ſhould it be more inconſiſtent with the Sacrifice of Chriſt, for God freely to pardon ſin, than it was ever preſumed to be in all the Sacrifices of either *Jews* or *Gentiles?* Who all ſuppoſed Sacrifices neceſſary in order to *Atonement*; and yet thought themſelves obliged to the Goodneſs of God in the Remiſſion of their ſins? Nay we find that God himſelf, Gen. 20. 7. in the caſe of *Abimelech*, appointed *Abraham to pray for him*, in order to his pardon; and will any one ſay, this was a derogation to the Job 42. 7. Grace of God in his Pardon? Or to the Pardon of *Job's* Friends, becauſe *Job* was apponited to Sacrifice for them? Or to the pardon of the *Iſraelites*, becauſe God out of kindneſs to them, directed them by the *Prophets*, and appointed the means in order to it? But although God appointed our *High-Prieſt* for us, and out of his great Love ſent him into the World, yet his Sacrifice was not what *was given him*, but what he *freely underwent himſelf*; he gave us Chriſt, but *Chriſt* offered up himſelf *a full, perfect and ſufficient Sacrifice, Oblation and Satisfaction for the ſins of the World.*

Thus, Sir, I have now given you a larger account of what I then more briefly diſcourſed of concerning *the true Reaſon of the Sufferings of Chriſt*; and heartily wiſhing you a *right underſtanding in all things*, and requeſting from you an *impartial Conſideration* of what I have Written,

I am, SIR, Yours, *&c.*

Jan. 6. 166$\frac{8}{9}$.

E. S.

The *Myſteries* of the *Chriſtian Faith* Aſſerted and Vindicated: In a SERMON Preached at *St.* Laurence-Jewry *in* London, *April* the 7th. 1691.

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1 TIM. I. 15.

This is a faithful ſaying and worthy of all acceptation, That Chriſt Jeſus came into the World to ſave Sinners, of whom I am chief.

IF theſe Words were to be underſtood without any Reſtriction or Limitation *that Chriſt Jeſus came into the World to ſave ſinners*, they would overthrow the great Deſign of the Goſpel, and make its Excellent Precepts Uſeleſs and Ineffectual. For, to what purpoſe ſhould Men be put upon the ſevere Practice of Repentance, Mortification

tion and a continued Course of a Holy Life, if the meer being *Sinners* did sufficiently qualifie them for Salvation? This indeed would be thought a Doctrine *worthy of all Acceptation* by the *greatest Sinners*; but it could not be *a faithful saying*, being not agreeable either to the Nature of God, or Revelation of his Will by *Christ Jesus*. But St. *Paul* speaks of such *Sinners* as himself had been, *i. e.* such as had been great sinners, but had truly and sincerely Repented. *Of whom I am chief*. What then? Must we look on him as the Standard and Measure of such *Sinners* whom *Christ Jesus* came to save? What will then become of all those who have been Sinners of a higher Rank than ever he was? It's true in the Verses before the Text, he sets out his Sins, as a humble Penitent is wont to do, with the worst Colours and deepest Aggravations, *Who was before a Blasphemer and a persecutor, and injurious*; but yet he adds, *that he obtained Mercy because he did it ignorantly, in unbelief*. How then is St. *Paul* the *Chief of Sinners?* Are Sins of *Ignorance* and *Mistake* the greatest of Sins, for which Christ died? Is there no *Expiation* for any other by *Jesus Christ?* What will become then of all such who sin against Knowledge and Conscience, and not *in Ignorance and Unbelief?* Can none of these hope for Mercy by *Christ Jesus*, although they do truly Repent? But *the Blood of Christ* is said elsewhere *to cleanse us from all Sin*; not, while we continue in them, but if we repent and forsake them. And *Jesus Christ* is said *to be a Propitiation for our Sins*; *and not for ours only, but for the Sins of the whole World*. And therefore this Expression of St. *Paul* notes his great Humility and and deep Sense of his own Sins; but doth not exclude others from the hopes of Pardon whose Sins have other Aggravation than his had. For, if we leave out the last words as peculiar to his Case, yet the other contain in them a true Proposition and of the greatest Importance to Mankind; *This is a faithful saying and worthy of all Acceptation, that Christ Jesus came into the world to save sinners.* Ver. 13. 1 Joh. 1. 7. Ch. 2. v. 2.

This, you may say, is a matter out of all doubt among all such who hope for Salvation by *Christ Jesus*; for all are agreed, that one way or other we are to be *saved by him*. But there is great Difficulty as to the Way of *saving Sinners* by *Christ Jesus*; whether by *the Doctrine and Example of the Man Christ Jesus, by the Power he attained through his Sufferings*; Or, *by the Eternal Son of God's assuming our Nature and Suffering in our stead in order to the Reconciling God to us and making a Propitiation for our Sins*. These are two very diffent *Hypotheses* or Notions of *Christ's coming to save Sinners*; and the former seems more easie to be understood and believed; and the other seems to have insuperable Difficulties in point of Reason; and to run our Religion into *Mysteries*, which expose our Faith and make Christianity appear Contemptible to Men of Sense and Understanding. Is it not therefore better much to embrace such a Scheme of it, as will have the least Objection against it, that so Men of Reason may not be tempted to Infidelity, and Men of Superstition may not under the Colour of *Mysteries* bring in the most Absurd and Unreasonable Doctrines?

These are plausible Insinuations, and would be apt to prevail on considering Mens Minds, if they were to form and make a Religion that might be most accommodated to the *Genius* and *Humour* of the Age they live in. And truly no Men (by their own Authority) can pretend to a Right to impose on others any *Mysteries of Faith*, or any such things which are above their Capacity to understand. But that

is not our caſe; for we all profeſs to believe and receive *Chriſtianity* as a *Divine Revelation*; and God (we ſay) may require from us the belief of what we may not be able to comprehend, eſpecially if it relates to himſelf, or ſuch things which are Conſequent upon the Union of the Divine and Human Nature. Therefore our buſineſs is to conſider, whether any ſuch things be contained in that *Revelation* which we all own; and if they be, we are bound to believe them, although we are not able to comprehend them.

Now here are two Remarkable *Characters* in theſe Words, by which we may examin theſe different *Hypotheſes* concerning the way of *Salvation by Jeſus Chriſt.*

I. *It is a faithful ſaying*, and therefore muſt be contained in that Revelation which God hath made concerning our Salvation by Chriſt.

II. *It is worthy of all Acceptation*; *i. e.* moſt uſeful and beneficial to Mankind.

Now by theſe two I ſhall proceed in the Examination of them.

I. Which is moſt agreeable to the Revealed Will of God,

II. Which doth offer faireſt for the Benefit and Advantage of Mankind.

I. Which is moſt agreeable to the revealed Will of God. For that we are ſure is the moſt *faithful ſaying*; ſince Men of Wit and Reaſon may deceive us, but God cannot. When the Apoſtles firſt preached this Doctrine to the World, they were not bound to believe what they affirmed to be a *faithful ſaying* till they gave ſufficient Evidence of their Authority from God, by the wonderful Aſſiſtance of the Holy Ghoſt. But now this *faithful ſaying* is contained in the Books of the *New Teſtament*, by which we are to judge of the Truth of all *Chriſtian* Doctrines. And when two different Senſes of Places of Scripture are offer'd, we are to conſider, which is moſt Reaſonable to be preferr'd. And herein we are allow'd to Exerciſe our Reaſon as much as we pleaſe; and the more we do ſo, the ſooner we ſhall come to Satisfaction in this matter.

Now according to Reaſon we may judge that Senſe to be preferr'd,

(1.) Which is moſt plain and eaſie and agreeable to the moſt receiv'd Senſe of Words: not that which is forced and intricate, or which puts improper and *Metaphorical* Senſes upon Words which are commonly taken in other Senſes; eſpecially when it is no Sacramental thing, which in its own Nature is Figurative.

(2.) That which ſuits moſt with the Scope and Deſign not only of the particular Places, but of the whole *New Teſtament*; which is, to magnifie God and to depreſs Man? To ſet forth the infinite Love and Condeſcenſion of God *in giving his Son to be a Propitiation for our Sins*; to ſet up the Worſhip of one *true God* in Oppoſition to *Creatures*; to Repreſent and Declare the mighty Advantages Mankind receive by the *Sufferings* of *Chriſt Jeſus.*

(3.) That which hath been generally receiv'd in the *Chriſtian Church* to be the Senſe of thoſe places. For, we are certain, this was always look'd on as a matter of great Concernment to all Chriſtians; and they had as great Capacity of underſtanding the Senſe of the Apoſtles: And the Primitive Church had greater Helps for knowing it than others at ſo much greater Diſtance. And therefore the Senſe is not to be taken from modern *Inventions*, or *Criticiſms*, or Pretences to *Revelation*; but that which was at firſt deliver'd to the *Chriſtian Church*, and hath been ſince received and embraced by it in the ſeveral Ages; and hath been moſt

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ſtrenuouſly aſſerted, when it hath met with Oppoſition, as founded on *Scripture* and the *general Conſent* of the *Chriſtian Church*.

(4.) That which beſt agrees with the *Characters* of thoſe Perſons from whom we receive the Chriſtian Faith; and thoſe are *Chriſt Jeſus* and his *Holy Apoſtles*. For, if their *Authority* be loſt, our Religion is gone; and their Authority depends upon their *Sincerity* and *Faithfulneſs*, and Care to inform the World aright in matters of ſo great Importance.

(1.) I begin with the Character which the Apoſtles give of *Chriſt Jeſus* himſelf; which is, that he was a Perſon of the greateſt Humility and Condeſcenſion, that he did not aſſume to himſelf that which he might juſtly have done. For let the words of St. *Paul* be underſtood either as to the *Nature*, or *Dignity* of Chriſt, it is certain that they muſt imply thus much, that when Chriſt Jeſus was here on Earth, he was not of a vain aſſuming humour, that he did not boaſt of himſelf, nor magnifie his own Greatneſs, but was contented to be look'd on as other Men; although he had at that time far greater and Diviner Excellency in him than the World would believe. Leſs than this, cannot be made of thoſe Words of the Apoſtle, *Who being in the form of God, he thought it not Robbery to be equal with God, but made himſelf of no Reputation, and took upon him the form of a Servant.* Phil. 2. 6, 7.

Now this being the *Character* given of him, let us conſider what he doth affirm concerning himſelf. For although he was far from drawing the People after him, by ſetting forth his own Perfections; yet upon juſt Occaſions, when the *Jews* conteſted with him, he did Aſſert ſuch things, which muſt ſavour of Vanity and Oſtenation, or elſe muſt imply that he was the *Eternal Son of God*. For, all Mankind are agreed that the higheſt degree of Ambition lies in Affecting Divine Honour, or for a meer Man to be thought a *God*. How ſeverely did God puniſh *Herod* for being pleaſed with the Peoples folly in crying out, *the Voice of God and not of Man?* And therefore he could never have born with ſuch poſitive Aſſertions and ſuch repeated Defences of his being *the Son of God* in ſuch a manner as implied his being ſo from Eternity. This in his Diſputes with the *Jews* he affirms ſeveral times, *that he came down from Heaven*, not in a *Metaphorical* but in a proper Senſe, as appears by thoſe words, *What and if ye ſhall ſee the Son of Man aſcend up where he was before?* In another *Conference* he aſſerted, *that he was before Abraham.* Which the *Jews* ſo literally underſtood, that without a *Metaphor they went about to ſtone him*; little imagining that by *Abraham* the calling of the *Gentiles* was to be underſtood. But above all, is that Expreſſion which he uſed to the *Jews* at another Conference, *I and my Father are one*; which they underſtood in ſuch a manner that immediately *they took up ſtones to have ſtoned him.* What means all this Rage of the *Jews* againſt him? What? for ſaying *that he had Unity of Conſent with his Father?* No certainly. *But the Jews miſunderſtood him.* Let us ſuppoſe it; would not our *Saviour* have immediately explained himſelf to prevent ſo dangerous a Miſconſtruction? But he asked them, what it was they ſtoned him for? They anſwer him directly and plainly, *becauſe that thou being a man makeſt thy ſelf God.* This was home to the purpoſe. And here was the time for him to have denied it, if it had not been ſo. But doth he deny? Doth he ſay, it would be *Blaſphemy* in him to own it? No; but he goes about to defend it; and proves it to be no *Blaſphemy for him to ſay that he was the Son*

Act. 12. 22.

Joh. 6. 32, 33. 38. 50. 58. 62. Joh. 8. 58. v. 59.

Joh. 10. 30. v. 31.

v. 32, 33

v. 36.

Son of God; *i. e.* so *as to be God*, as the *Jews* understood it. Can we imagine that a *meer Man* knowing himself to be such, should assume this to himself; and yet God to bear witness to him not only by *Mi-*
Mat. 3. 17. *racles* but by a *Voice from Heaven*, wherein he was called his *beloved Son in whom he was well pleased?* Could God be pleased with a mortal, finite, despicable Creature, as the *Jews* thought him, that assumed to himself to be *God*, and maintained and defended it among his own People, in a solemn *Conference* at a very Publick Place, in one of the *Portico's* of the Temple? And this he persisted in to the last. For, when
Matth. 26. 63. *the High Priest adjured him by the living God to tell, whether he were the Christ the Son of God*, (for he, no doubt, had heard of the *Result* of
v. 64. this *Conference* in *Solomon's Porch*) *Jesus said unto him, Thou hast said,*
Mark 14. 62. *St. Mark*, more expressly, *Jesus said, I am.* And this was the *Blasphe-*
v. 64. *my*, for which they put him to death; as appears by the *Evangelists.*
Matth. 26. 66. So that this ought to be a Dispute only between *Jews* and *Christians*; since it was the very point, for which they condemned him to death. And in his last most Divine Prayer just before his Suffering, he owns the
Luk. 22. 71. *Glory* which he had *with the Father* before the World had a Being. *And now, O Father, glorifie thou me with the Glory which I had with thee, be-*
Joh. 17. 5. *fore the World was.* Was this nothing but the *Glory* which *God* had designed to give him? This is so far from being peculiar to Christ, that it is common to all whom *God* designs to glorifie; and takes away the distinction between the *Decree* and the *Execution* of it.

(2.) As to the *Apostles*, the Reason we believe their Testimony is, that they were Men of great Sincerity and Plainness, and of great Zeal for the Honour and Glory of God. And according to this *Character*, let us examine what they say concerning *Christ Jesus.*

He that was most conversant with him, and beloved by him, and lived to see his *Divinity* contested by some, and denied by others, is
Joh. 1. 1, 2, &c. most ample in setting it forth in his Admirable, Sublime, and Divine Introduction to his Gospel. Which all the Wit of Mankind can never make tolerable Sense of, if they deny *Christ's* being the *Eternal Son of God*; and it is he, that hath preserved those *Conferences* with the *Jews*, wherein he asserts his own *Divinity.*

S. *Paul* was a Stranger to him while he lived; but at the same time when he was so zealous to perswade the *Gentiles* to the *Worship* of *God*
Rom. 9. 5. and not of *Creatures*, he calls him *God over all, blessed for evermore.*
Rom. 1. 20. Col. 1. 16. And when he saith, that *the Eternal Power and Godhead are known by the Creation of the World*, he attributes *the Creation of all things to*
Heb. 1. 2, 10. *Christ*, applying to him those words of the *Psalmist. Thou Lord in the beginning hast laid the Foundation of the Earth and the Heaven, the Work of thy hands.* Which cannot be understood of any *Metaphorical Creation.*

And after the strictest Examination of Copies, those will be found the best, which have that Reading on which our Translation is ground-
1 Tim. 3. 16. ed. *And without Controversie great is the Mystery of Godliness, God was manifest in the Flesh.* So that *God's being manifest in the Flesh* is made a great part of the *Mystery* of *Christianity.*

But here arises a Difficulty, which deserves to be considered; *i. e.*
" If there were nothing in the Christian Doctrine, but the Way of *sa-*
" *ving Sinners* by the Doctrine and Example of Christ, there would be
" little Objection to be made to it; since the obtaining Eternal Life is
" certainly the best thing can be proposed to Mankind, and the Pre-

cepts

" cepts of Chriſt are Divine and Spiritual, Plain and Eaſie to be Un-
" derſtood, and Agreeable to the Reaſon of Mankind; but many other
" things are impoſed on Men as neceſſary to be believed concerning
" *Chriſt Jeſus*, as to his *Divinity*, *Incarnation*, and the *Hypoſtatical U-*
" *nion* of both Natures, which perplex and confound our underſtand-
" ings; and yet theſe things are not only deliver'd as *Myſteries* of *the*
" *Chriſtian Faith*; but the Belief of them is required as neceſſary to
" the Salvation of Sinners; whereas, if they are Revealed they are
" no longer *Myſteries*; and if they are not Revealed, how come they to
" be made Articles of Faith? The Scripture knows of no other *Myſte-*
" *ries of Faith* but ſuch as were hidden before the Revelation of them,
" but ſince they are Revealed they are plain and open to all Mens
" Capacities; and therefore it is a great Injury to the Plainneſs and
" Simplicity of the Goſpel to impoſe ſuch incomprehenſible Myſteries,
" as Neceſſary Articles of Faith; and it is abuſing the Credulity of
" Mankind, to make ſuch things neceſſary to be believed, which are
" impoſſible to be underſtood. But thoſe who have ever loved to de-
" ceive and abuſe the reſt of the World, have been always fond of the
" Name of *Myſteries*; and therefore all ſuch things are to be ſuſpected
" which come under that Name. For, all ſuch Points which will not
" bear Examination, muſt be wrapt up and Reverenced under the Name
" of *Myſteries*, that is, of things to be ſwallow'd without being un-
" derſtood. *But the Scripture never calls that a Myſtery which is Incom-*
" *prehenſible in it ſelf, though never ſo much revealed.*

Diſcourſe of the Word Myſtery, &c. p. 5.

This is the main force of the Objection, which I ſhall endeavour to remove by ſhewing,

(1.) That God may juſtly require from us in general, the Belief of what we cannot comprehend.

(2.) That which way ſoever the Way of Salvation by *Chriſt* be explained, there will be ſomething of that Nature found in it; and that thoſe who Reject the Myſteries of Faith run into greater Difficulties than thoſe who aſſert them.

(3.) That no more is required as a Neceſſary Article of Faith than what is plainly and clearly Revealed.

(1.) That God may juſtly require from us in general, the Belief of what we cannot comprehend. It is to very little purpoſe to enquire whether the Word *Myſtery* in *Scripture* be applied to ſuch particular Doctrines, whoſe Subſtance is revealed, but the manner of them is incomprehenſible by us; for why may not we make uſe of ſuch a Word whereby to expreſs things truly revealed, but above our Comprehenſion? We are certain the Word *Myſtery* is uſed for things far leſs difficult and abſtruſe; and why may it not then be fitly applied to ſuch matters, which are founded on Divine Revelation, but yet are too deep for us to go to the bottom of them? Are there not *Myſteries* in Arts, *Myſteries* in Nature, *Myſteries* in Providence? And what Abſurdity is there to call thoſe *Myſteries*, which in ſome Meaſure are known, but in much greater unknown to us? Although therefore in the Language of Scripture it be granted, that the word *Myſtery* is moſt frequently applied, *to things before hidden, but now revealed*, yet there is no Incongruity in calling that a *Myſtery*, which being revealed, hath yet ſomething in it which our underſtandings cannot reach to. But it is meer Cavilling to inſiſt on a Word, if the thing it ſelf be granted. The chief thing therefore to be done is, to ſhew that God may require from us

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the belief of ſuch things which are incomprehenſible by us. For, *God* may require any thing from us, which it is reaſonable for us to do; if it be then reaſonable for us to give Aſſent where the manner of what *God* hath revealed is not comprehended, then *God* may certainly require it from us. Hath not God revealed to us, that *in ſix days he made Heaven and Earth and all that is therein?* But is it not reaſonable for us to believe this, unleſs we are able to comprehend the manner of *God's* Production of things? Here we have ſomething revealed and that plainly enough, *viz.* That *God created all things*, and yet, here is a *Myſtery* remaining as to the manner of doing it. Hath not God plainly revealed that there ſhall be a *Reſurrection* of the Dead? And muſt we think it unreaſonable to believe it, till we are able to comprehend all the Changes of the Particles of Matter from the *Creation* to the General *Reſurrection?* But it is ſaid *that there is no Contradiction in this, but there is in the Myſtery of the Trinity and Incarnation.* It is ſtrange Boldneſs in Men to talk thus of *Monſtrous Contradictions* in things above their Reach. The *Atheiſts* may as well ſay, *Infinite Power* is a *Monſtrous Contradiction*; and *God's Immenſity* and his other unſearchable Perfections are *Monſtrous Paradoxes* and *Contradictions.* Will Men never learn to diſtinguiſh between *Numbers* and the Nature of *Things?* For *three* to be *one* is a *Contradiction* in *Numbers*; but whether an Infinite Nature can communicate it ſelf to three *different Subſtances* without ſuch a *Diviſion* as is among Created Beings, muſt not be determined by bare *Numbers*, but by the Abſolute *Perfections* of the Divine Nature; which muſt be owned to be above our Comprehenſion.

Obſervations on Dr. Wallis his four Letters, p. 4.

Pſal. 90. 2. Revel. 1. 4. c. 11. v. 17.

For let us examine ſome of thoſe *Perfections* which are moſt clearly revealed and we ſhall find this true. The *Scripture* plainly reveals, that *God* is from *everlaſting to everlaſting*; *that he was and is and is to come*; but ſhall we not believe the Truth of this till we are able to fathom the *Abyſs* of God's *Eternity?* I am apt to think (and I have ſome thoughtful Men concurring with me) that there is no greater Difficulty in the Conception of the *Trinity* and *Incarnation*, than there is of *Eternity.* Not, but that there is great Reaſon to believe it; but from hence it appears that our Reaſon may oblige us to believe ſome things which it is not poſſible for us to comprehend. We know that either God muſt have been for ever, or it is impoſſible he ever ſhould be; for if he ſhould come into Being when he was not, he muſt have ſome Cauſe of his Being; and that which was the firſt Cauſe would be God. But, if he was for ever he muſt be from himſelf; and what Notion or Conception can we have in our Minds concerning it? And yet, *Atheiſtical* Men can take no Advantage from hence; becauſe their own moſt abſurd *Hypotheſis* hath the very ſame Difficulty in it. For ſomething muſt have been for ever. And it is far more reaſonable to ſuppoſe it of an Infinite and Eternal Mind, which hath Wiſdom and Power and Goodneſs to give Being to other things, than of dull, ſtupid and ſenſleſs Matter, which could never move it ſelf, nor give Being to any thing beſides. Here we have therefore a thing which muſt be owned by all; and yet ſuch a thing which can be conceived by none. Which ſhews the narrowneſs and ſhortneſs of our Underſtandings, and how unfit they are to be the Meaſures of the Poſſibilities of things. *Vain Men would be Wiſe*; they would fain go to the very bottom of things, when alas! They ſcarce underſtand the very Surface of them. They will allow no *Myſteries* in Religion; and yet every thing

Biſterfield c. Crell. p. 50. *Petav.* de Trinit. l. 3. c. 9. ſect. 15.

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is a *Myſtery* to them. They cry out of *Cheats* and *Impoſtures* under the Notion of *Myſteries*; and yet there is not a Spire of Graſs but is a *Myſtery* to them; they will bear with nothing in *Religion* which they cannot comprehend, and yet there is ſcarce any thing in the World which they can comprehend. But above other things the *Divine Perfections*, even thoſe which are moſt Abſolute and Neceſſary are above their Reach. For let ſuch Men try their Imaginations about God's *Eternity*, not meerly how he ſhould be from himſelf, but how God ſhould coexiſt with all the Differences of Times, and yet there be no Succeſſion in his own Being. I do not ſay there is ſuch Difficulty to conceive a Rock ſtanding ſtill when the Waves run by it; or the *Gnomon* of a Dial when the Shadow paſſes from one Figure to another; becauſe theſe are groſs unactive things; but the Difficulty is far greater where the Being is Perfect and always Active. For, where there is Succeſſion there is a paſſing out of not being in ſuch a duration into being in it; which is not conſiſtent with the Abſolute Perfection of the Divine Nature. And therefore God muſt be all at once what he is, without any Reſpect to the Difference of time paſt, preſent or to come. From whence *Eternity* was defined by *Boethius* to *be a perfect and complete Poſſeſſion of all at once of everlaſting Life.* But how can we from any Conception in our Minds of that being all at once, which hath ſuch different Acts as muſt be meaſur'd by a long Succeſſion of Time? As, the Creating and Diſſolving the Frame of the World; the promiſing and ſending the *Meſſias*; the Declaring and Executing a general Judgment; how can theſe things be conſiſtent with a Permanent Inſtant, or a Continuance of being without Succeſſion? For, it is impoſſible for us in this Caſe, as to God's Eternity, to form a clear and diſtinct *Idea* in our Mind, of that which both *Reaſon* and *Revelation* convince us muſt be. The moſt we can make of our Conception of it is, that God hath neither Beginning of Being, nor end of Days; but that he always was and always muſt be. And this is rather a neceſſary Concluſion from Reaſon and Scripture, than any diſtinct Notion or Conception of Eternity in our Minds. From whence it evidently follows, that God may reveal ſomething to us, which we are bound to believe, and yet after that Revelation the Manner of it may be incomprehenſible by us, and conſequently a *Myſtery* to us.

De Conſol. l. 3.

Hath not God Revealed to us in *Scripture* the *Spirituality* of his own Nature? That *he is a Spirit*, and therefore will *be worſhipped in Spirit and in Truth*; For, that is a true Reaſon why Spiritual Worſhip ſhould be moſt agreeable to him. Now, if we could have a clear, diſtinct, poſitive Notion in our Minds of God's Spiritual Nature, we might then pretend that there is nothing *Myſterious* in this, ſince it is revealed.

S. Joh. 4 24.

But let ſuch Men Examine their own thought about this matter; and try, whether the utmoſt they can attain to, be not ſomething *Negative*, viz. becauſe great Abſurdities would follow if we attributed any thing *Corporeal* to God; for, then he muſt be compounded of Parts, and ſo he may be diſſolv'd; then he muſt be confined to a certain place, and not every-where preſent; he cannot have the Power of Acting and Self-determining which a meer Body hath not. For the cleareſt Notion we can have of *Body*, is, that it is made up of ſome things as parts of it, which may be ſeparated from each other; and is confined to a certain place, and hath no Power to move or act from it ſelf. But-

ſome of theſe Men who cry down *Myſteries* and magnifie Reaſon, to ſhew how ſlender their pretences to Reaſon are, have aſſerted a *Corporeal God*, with *Shape* and *Figure*. It was indeed, well thought of by thoſe who would make *a Man* to be *God*, to bring *God* down as near to *Man* as might be. But how to Reconcile the Notion of a Body with Infinite Perfections, is a *Myſtery* to me, and far above my Comprehenſion. But if it be no *Myſtery* to ſuch Men, they muſt either deny God's Infinite Perfections or ſhew how a bodily Shape can be capable of them. But ſome Men can confound *Finite* and *Infinite*, *Body* and *Spirit*, *God* and *Man*, and yet are for no *Myſteries*; whereas theſe things are farther from our Reach and Comprehenſion, than any of thoſe Doctrines which they find fault with. But to proceed,

If we believe *Prophecy*, we muſt believe *God's fore-knowledge of future Events:* For, how could they be foretold if he did not fore-know them? And if he did fore-know thoſe which he did fore-tell, then it was either becauſe thoſe only were revealed to him which is inconſiſtent with the Divine Perfections; or that he doth fore-know all other Events and only thought fitting to reveal theſe: But how can they ſolve the Difficulties about *Divine Preſcience?* Is there no *Myſtery* in this? Nothing above their Comprehenſion? What then made their great Maſter deny it, as a thing above his Comprehenſion? Becauſe nothing can be fore-known but what hath a certain Cauſe, and therefore, if evil Actions be fore-told, God muſt be the Cauſe of them, and Men will not be free Agents in them. And yet it is moſt certain, that the Sufferings of Chriſt by the Wickedneſs of Men, were fore-told. What then? Muſt we make God the Author of Sin? God forbid. Will the Righteous Judge of all the Earth, puniſh Mankind for his own Acts, which they could not avoid? Then we muſt yield, that there is ſomething in the manner of the *Divine Preſcience*, which is above our Comprehenſion. And the moſt Searching and Inquiſitive Men have been forc'd to yield it at laſt, as to the Connection between the Certainty of Preſcience and the Liberty of humane Actions. Is it not then much better to ſit down quietly at firſt, Adoring the Infiniteneſs of God's incomprehenſible Perfections, than after all the Huffings and Diſputings of Men to ſay, *In Ignorantiâ ſolâ quietem invenio*, as the great School-man did? Surely then, here is ſomething plainly revealed, and yet the manner of it is ſtill a *Myſtery* to us.

Soc'n. Præl. c. 11.

Cajetan in 1. q. 22. art. 4.

I ſhall not now inſiſt on any more of the particular Attributes of God, but only in general I deſire to know, whether they believe them to be *finite* or *infinite?* If to be *finite*, then they muſt have certain bounds and limits which they cannot exceed; and that muſt either be from the imperfection of Nature, or from a Superiour Cauſe, both which are repugnant to the very Being of God. If they believe them to be *infinite* how can they comprehend them? We are ſtrangely puzled in plain, ordinary, finite things; but it is madneſs to pretend to comprehend what is *Infinite*; and yet if the Perfections of God be not *Infinite* they cannot belong to him.

I ſhall only add, in Conſequence to this Aſſertion, *That if nothing is to be believed, but what may be comprehended*, the very *Being of God* muſt be rejected too. And therefore I deſire all ſuch who talk ſo warmly againſt any *Myſteries in Religion*, to conſider whoſe work it is they are doing; even theirs who under this pretence go about to overthrow all Religion. " For, ſay they, *Religion* is a *Myſtery* in its own Nature;

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" not this or that, or the other Religion; but *they are all alike*, all " is *Myſtery*; and that is but another Name for *Fraud* and *Impoſture*. " What were the *Heathen Myſteries* but tricks of *Prieſt-craft*; and ſuch " are maintained and kept up in all kinds of Religion. If therefore " theſe Men, who talk againſt *Myſteries* underſtand themſelves, they " muſt in purſuance of their Principles reject *one God*, as well as *three* " *Perſons*; For, as long as they believe an Infinite and Incomprehenſi- " ble Being, it is Nonſenſe to reject any other Doctrine, which relates " to an *Infinite Being*, becauſe it is *Incomprehenſible*.

But yet theſe very Men, who ſeem to purſue the Conſequence of this Principle to the utmoſt, muſt aſſert ſomething more incomprehenſible than the *Being of God*. For, I appeal to any Man of common Underſtanding, whether it be not more agreeable to Reaſon to ſuppoſe Works of Skill, Beauty and Order to be the Effects of a Wiſe and Intelligent Being, than of Blind Chance and Unaccountable Neceſſity; whether it be not more agreeable to the Senſe of Mankind to ſuppoſe an Infinite and Eternal Mind endued with all poſſible Perfections to be the Maker of this viſible World; than that it ſhould ſtart out from it ſelf, without Contrivance, without Order, without Cauſe? Certainly ſuch Men have no Reaſon to find fault with the *Myſteries of Religion* becauſe they are *incomprehenſible*, ſince there is nothing ſo Abſurd and Incomprehenſible, as their darling *Hypotheſis*; And, there is nothing which can make it prevail, but to ſuppoſe Mankind to be as Dull and Inſenſible as the firſt *Chaos*.

Thus I have ſhewn that it is not unreaſonable for *God* to require from us the Belief of ſomething which we cannot comprehend.

(2.) I now come to conſider, whether thoſe who are ſo afraid of *incomprehenſible Myſteries* in our *Faith*, have made it ſo much more eaſie in the Way they have taken. And notwithſtanding all the Hectoring talk againſt *Myſteries* and things incomprehenſible in Religion, I find more inſuperable Difficulties in point of Reaſon in their Way than in ours. As for inſtance,

(1.) It is a more Reaſonable thing to ſuppoſe ſomething *Myſterious* in the Eternal Son of God's *being with the Father before the World was made by him*; (as St. *John* expreſſes it in the beginning of his Goſpel) than in ſuppoſing that although *John* the *Baptiſt* were born ſix Months before *Jeſus Chriſt*; that yet Chriſt was in Dignity before him. What a wonderful *Myſtery* is this? Can Men have the Face to cry down *Myſteries* in deep Speculations, and matters of a high and abſtruſe Nature, when they make ſuch *Myſteries* of plain and eaſie things? And ſuppoſe the *Evangeliſt* in profound Language and lofty Expreſſions to prove a thing, which was never diſputed, *viz.* although *Chriſt Jeſus* were born ſix Months after *John*, yet he was in Dignity before him?

(2.) It is a more Reaſonable thing to ſuppoſe that a *Divine Perſon* ſhould aſſume humane Nature, and ſo the *Word to be made Fleſh*; than to ſay, that an Attribute of God, his *Wiſdom* or *Power* is *made Fleſh*, which is a *Myſtery* beyond all Comprehenſion; There may be ſome Difficulties in our Conception of the other, but this is a thing beyond all Conception or Imagination; For an *Accident* to be made a *Subſtance* is as abſurd, as to imagine it to *ſubſiſt* without one.

(3.) It is more reaſonable to ſuppoſe that the Son of God ſhould *come down from Heaven* and take our Nature upon him, than that a Man ſhould be rapt up into Heaven, that it might be ſaid that he came

down from thence. For in the former Suppoſition we have many other places of Scripture to ſupport it, which ſpeak of his *being with God*, and *having Glory with him before the World was*; whereas there is nothing for the other, but only that it is neceſſary to make ſome tolerable Senſe of thoſe words.

(4.) It is more more Reaſonable to believe that *God* ſhould become *Man* by taking our Nature upon him, than that *Man* ſhould become *God*. For in the former, there is nothing but the Difficulty of conceiving the Manner of the Union, which we all grant to be ſo between Soul and Body; but in the other there is a Repugnancy in the very Conception of a *Created God*, of an *Eternal Son of Adam*, of *Omnipotent Infirmity*, of an *Infinite finite Being*. In the former Caſe, an *Infinite* is united to a *Finite*; but in the other a *Finite* becomes *Infinite*.

(5.) It is more Reaſonable to believe that *Chriſt Jeſus* ſhould ſuffer as he did *for our ſakes* than *for his own*. We are all agreed that the *Sufferings* of *Chriſt* were far beyond any thing he deſerved at *God's* hands; but what Account then is to be given of them? We ſay that he made himſelf a voluntary Sacrifice for Expiation of the Sins of Mankind; and ſo there was a great and noble end deſigned, and no Injury done to a willing Mind; and the *Scripture* as plainly expreſſes this, as it can do in Words. But others deny this, and make him to ſuffer as one wholly Innocent; for what Cauſe? To make the moſt Innocent Perſons as apprehenſive of Suffering as the moſt Guilty; and the moſt righteous God to put no difference between them, with Reſpect to Suffering.

(6.) It is more Reaſonable to ſuppoſe ſuch a Condeſcenſion in the Son of *God* to take upon him the Form of a Servant for our Advantage; than that a *meer Man* ſhould be exalted to the *Honour* and *Worſhip* which belongs only *to God*. For, on the one ſide, there is nothing but what is agreeable to the Divine Nature, viz. *Infinite Love* and *Condeſcenſion* and *Pity* to Mankind; on the other, there is the greateſt Deſign of *Self-Exaltation* that ever was in *Humane Nature*, viz. for a *meer Man* to have the moſt *Eſſential Attributes* and *Incommunicable Honour* which belongs to *God*. And whether of theſe two is more agreeable to the Spirit and Deſign of the New Teſtament, let any Man of underſtanding judge. For as it is evident, that the great Intention of it is to magnifie the wonderful Love of God in the ſending of his Son; ſo it is as plain that one great end of the Chriſtian Doctrine was to take Mankind off from giving Divine Worſhip to Creatures; and can we then ſuppoſe that at the ſame time it ſhould ſet up the *Worſhip* of a *meer Man* with all the *Honour* and *Adoration* which belongs to *God*? This is to me an *incomprehenſible Myſtery* indeed, and far beyond all that is implied in the *Myſteries* of the *Trinity* and *Incarnation*. For it ſubverts the very Foundation of the Deſign of Chriſtianity as to the Reforming *Idolatry* then in being; it lays the Foundation for introducing it into the World again; for ſince the Diſtance between God and his Creatures is taken away, in the matter of Worſhip, there is nothing left but the Declaration of his Will; which doth not exclude more *Mediators* of *Interceſſion* but upon this Ground, that the *Mediation* of *Redemption* is the Foundation of that of *Interceſſion*. And it is far more eaſie for us to ſuppoſe there may be ſome things too hard for us to underſtand in the Myſtery of our *Redemption by Jeſus Chriſt*, than that at the ſame time it ſhould be both a *Duty* and *a Sin* to worſhip any but the *true God* with proper Divine Worſhip.

ſhip. For if it be Idolatry to give it to a Creature, then it is a great Sin; for ſo the Scripture ſtill accounts it; but if we are bound to give it to Chriſt who is but a Creature, then that which in it ſelf is a Sin, is now become a neceſſary Duty; which overthrows the natural Differences of Good and Evil, and makes *Idolatry* to be a meer *Arbitrary* thing. And I take it for granted, that in Matters of Religion, *Moral* Difficulties are more to be regarded than *Intellectual*; becauſe Religion was far more deſigned for a Rule of our Actions, than for the Satisfaction of our Curioſity. And upon due Examination we ſhall find that there is no ſuch frightful Appearances of Difficulties in the *Myſtery* of the *Incarnation*, as there is in giving *Divine Worſhip* to a *Creature.*

And it ought to be obſerved, that thoſe very Places which are ſuppoſed to exclude Chriſt from being the *true God*; muſt, if they have any force exclude him from *Divine Worſhip.* For they are ſpoken of God, as the *Object* of our *Worſhip*; but if he be not excluded from *Divine Worſhip*, then neither is he from being the *true God*; which they grant he is *by Office*, but not *by Nature.* S. Joh. 17. 3. 1 Cor. 6. 6. *Socin.* de *Eutrop.* p. 96. c. *Wick.* c. 11. *Catech. Racov.* p. 65.

But a *God by Office* who is not ſo *by Nature* is a new and *incomprehenſible Myſtery.* A *Myſtery hidden from Ages and Generations* as to the Church of God; but not *made known by the Goſpel of his Son.*

This is ſuch a kind of *Myſtery* as the *Heathen* Prieſts had, who had *Gods many and Lords many*, as the *Apoſtle* ſaith, *i. e.* many by *Office* although but one *by Nature.* But if the Chriſtian Religion had owned *one God by Nature* and only *one by Office*, the Heathens had been to blame chiefly in the Number of their Gods by *Office*, and not in the Divine Worſhip which they gave to them. But S. *Paul* blames the Heathens for *doing Service to them which by Nature are no Gods*; not for doing it without Divine Authority, nor for miſtaking the Perſon who was God by Office, but in giving Divine Worſhip to them who *by Nature were no Gods*; which he would never have ſaid, if by the Chriſtian Doctrine, Divine Worſhip were to be given to one who was not *God by Nature.* 1 Cor. 8. 5. Gal. 4. 8.

But theſe are indeed *incomprehenſible Myſteries* how a Man by Nature can be a God *really* and *truly* by *Office*; how the Incommunicable Perfections of the Divine Nature can be communicated to a Creature; how God ſhould *give his Glory to another*, and by his own Command require that to be given to a Creature, which himſelf had abſolutely forbidden to be given to any beſides himſelf. It is ſaid by a famous *Jeſuit* (I will not ſay how agreeably to their own *Doctrines* and *Practices* about Divine Worſhip) *that the Command of God cannot make him worthy of Divine Worſhip, who without ſuch a Command is not worthy of it. And it is very abſurd to ſay, that he that is unworthy of it without a Command, can become worthy by it; for it makes God to command Divine Honour to be given to one who cannot deſerve it.* (For no meer Man can deſerve to be made God.) *But it is more agreeable to the Divine Nature and Will not to give his Honour to a Creature.* *Smiglec.* de Divin. Verb. Incarn. Nat. p. 45. *Nova Monſtra, &c.* p. 42.

(3.) But after all the Invectives of theſe Enemies to *Myſteries*, we do not make that which we ſay is *Incomprehenſible* to be a *Neceſſary Article of Faith* as it is *Incomprehenſible*; but we do aſſert that what is *Incomprehenſible* as to the *Manner*, may be a *Neceſſary Article* as far as it is plainly Revealed. As in the Inſtances I have already mentioned of the *Creation* and *Reſurrection of the Dead*; would they in earneſt have Men turn *Infidels* as to theſe things till they are able to comprehend all the diffi-

difficulties which relate to them? If not, why ſhould this Suggeſtion be allow'd as to the *Myſteries* which relate to our *Redemption* by *Jeſus Chriſt?* If it be ſaid, *the Caſe is not alike for thoſe are clearly Revealed and theſe are not*; this brings it to the true and proper Iſſue of this matter, and if we do not prove a *clear Revelation*, we do not aſſert their being *Neceſſary Articles of Faith*; but my preſent buſineſs was only to take off this Objection, That the *Myſteries* were Incomprehenſible and therefore not to be received by us.

II. And ſo I come to the ſecond Way, by which we are to Examine the ſeveral Senſes of *Chriſt Jeſus coming to ſave Sinners:* Which of them tends more to the Benefit and Advantage of Mankind; or which is *more worthy of all Acceptation.*

And that will appear by conſidering theſe things;

(1.) Which tends moſt to the raiſing our *Eſteem* and *Love* of *Chriſt Jeſus.*

(2.) Which tends moſt to the begetting in us a greater *Hatred of Sin.*

(3.) Which tends moſt to the ſtrengthning our *Hope* of *Salvation by Jeſus Chriſt.*

(1.) As to the raiſing in us a greater *Eſteem* and *Love of Chriſt.* We are certain that the Infinite Love and Condeſcenſion of *Chriſt Jeſus* in undertaking ſuch a Work as *the ſaving of Sinners* makes it moſt worthy of all Acceptation. Some Men may pleaſe themſelves in thinking that by taking away all *Myſteries* they have made their *Faith* more eaſie, but I am certain they have extremely leſſen'd the Argument for our *Love, viz.* the Apprehenſions of the wonderful Love and Condeſcenſion of Chriſt in coming into the World *to ſave Sinners.* And yet this is the great Argument of the New Teſtament to perſwade Mankind to the
Joh. 3. 16. *Love of God* and of his Son: *God ſo loved the World that he gave his only begotten Son*, &c. This is indeed a mighty Argument of Love, if
v. 13. by *the only begotten Son* be meant the Eternal Son of God, *who came down from Heaven*, as S. *John* ſpeaks juſt before; but if no more be meant but only that God made a *meer Man* to be his Son, and after he had preached a while here on Earth and was ill uſed and crucified by his own People, he Exalted him to be *God* and gave him Divine Attributes and Honours; this were an Argument of great Love to the Perſon of Chriſt, but not to the reſt of Mankind. But *God's Love* in *Scripture* is magnified with Reſpect to *the World* in the ſending of his
1 Joh. 4. 9. Son. *In this was manifeſted*, ſaith the Apoſtle, *the Love of God towards us, becauſe that God ſent his only begotten Son into the World that we*
v. 10. *ſhould live through him. Herein is love, not that we loved God, but that he loved us, and ſent his Son to be a Propitiation for our Sin.* The great Love we ſtill ſee is *toward us, i. e.* towards Mankind; but according to the other Senſe it muſt have been, herein was the Love of God manifeſted to his Son, that for his Sufferings he exalted him above all Crea-
Rom. 8. 32. tures. *He that ſpared not his own Son*, ſaith S. *Paul, but delivered him up for us all.* If he were the *Eternal Son of God* who came to ſuffer for us, there is a mighty force and *Emphaſis* in this Expreſſion, and very apt to raiſe our Admiration and our Love; But what *not ſparing his own Son* is there, if nothing were meant but that he deſigned by Sufferings to Exalt him? For *not ſparing him* ſuppoſes an Antecedent Relation of the higheſt Kindneſs, but the other is only deſigning extraordinary Kindneſs for the ſake of his Sufferings. Therefore, the Argument

for

for the *Love* of *God* is taken from what his *Son* was, when he deliver'd him up for us all; he was his *own Son*; not by *Adoption* as others are; S. *John* calls him, his *only begotten Son*; and God himself, *his beloved Son* in the Voice from Heaven; and this before his Sufferings, immediately after his Baptism, when as yet, there was nothing extraordinary done by him, as to the great Design of his coming. Which shews, that there was an Antecedent Relation between him and the Father; and that therein the Love of God and of Christ was manifested, that being the *only begotten Son of the Father*, he should take our Nature upon him and for our sakes do and suffer what he did. This is indeed an Argument great enough to raise our Admiration, to excite our Devotion, to inflame our Affections; but how flat and low doth it appear, when it comes to no more than this, that there was a *Man*, whom, after his Sufferings *God* raised from the Dead and made him a *God by Office?* Doth this carry any such Argument in it for our Esteem and Love and Devotion to him as the other doth upon the most serious Consideration of it? Joh. 1. 14. ch. 3. v. 16. Luk. 3. 22.

(2.) Which tends most to beget in us a greatter *Hatred of Sin.* For that is so contrary to the Way of our *Salvation* by *Jesus Christ*, that what tends most to our *Hatred* of it, must conduce most to our Happiness, and therefore be *most worthy of all Acceptation.* It is agreed on all hands, that *Christ* did suffer very much both in his Mind and in his Body. In his Mind, when it is said, *that he was troubled in Spirit*; that *he began to be sorrowful and very heavy*; and soon after, *My Soul is exceeding sorrowful, even unto death.* S. *Luke* saith, *that he was in an Agony*; wherein he not only *prayed more earnestly, but his sweat was as it were great Drops of Blood falling to the Ground.* What made this Amazement, and dreadful Agony in the mind of the most innocent Person in the World? Was it meerly the Fear of the Pains of Death which he was to undergo? That is impossible, considering the Assurance which he had of so glorious a Reward so soon following after; when so many Martyrs endured such exquisite Torments for his sake without any such Disturbance or Consternation. But the Apostles give us another Account of it. St. *Peter* saith, he was *to bear our Sins in his own Body on the Tree*; that *Christ suffered for Sins, the just for the unjust.* S. *Paul, that God made him to be Sin for us who knew no Sin, that we might be made the Righteousness of God in him.* Hereby we understand how so innocent a Person came to suffer; *he stood in our stead*; *he was made Sin for us*; and therefore was to be treated as a Sinner; and to suffer that on our Account, which he could not deserve on his own. If he suffer'd on his own Account, this were the way to fill our Minds with Perplexity concerning the Justice of Providence with Respect to his dealings with the most innocent and holy Persons in this World; if he suffer'd on our Account, then we have the Benefit of his Sufferings, and therein we see how displeasing to God sin is, when even his own Son suffer'd so much by taking the guilt of our Sins upon him. And what can tend more to the begetting in us a due hatred of Sin, than to consider what *Christ* himself suffer'd on the Account of it? What can make us have more dreadful thoughts of it, than that the great and merciful God when he designed *to save Sinners*, yet would have his own Son to become *a Propitiation for the Sins of Mankind?* And unless we allow this, we must put force upon the plainest Expressions of *Scripture*; and make *Christ* to suffer meerly to shew God's Power over a most innocent Per- John 13. 21. Matt. 26. 37, 38. Mark 14. 33, 34. Luke 22. 44. 1 Pet. 2. 24. 3. 18. 2 Cor. 5. 21.

Perſon, and his Will and Pleaſure to inflict the moſt ſevere Puniſhment without any Reſpect to *Guilt*. And ſurely ſuch a Notion of *God*, cannot be *worthy of all Acceptation*.

(3.) Which tends moſt to ſtrengthen our *Hope* of *Salvation by Chriſt Jeſus*. If we believe that he ſuffer'd for our Sins, then we have great Reaſon to hope for the Forgiveneſs of them; although they have been many and great, if we ſincerely Repent; becauſe the moſt prevailing Argument for Deſpair will be removed; which is taken from the *Juſtice of God*, and his declared *Hatred* of *Sin* and *Diſpleaſure* againſt *Sinners*. If God be ſo much in earneſt diſpleaſed with the Sins of Mankind, and his Juſtice be concerned in the Puniſhment of Sinners, how can they ever hope to eſcape, unleſs there be a way for his Diſpleaſure to be removed, and his Juſtice to be ſatisfied? And this the *Scripture* tells us is done by *Chriſt*, who died that he might be a *Sacrifice of Atonement to Reconcile us to God by his Death*; as S. *Paul* expreſly affirms. And by this means, we may have ſtrong Conſolation from the Hopes of Forgiveneſs of our Sins. Whereas, if this be taken away, either Men muſt believe that *God* was not in earneſt diſpleaſed with the Sins of Mankind; which muſt exceedingly leſſen our Eſteem of the *Holineſs* and *Juſtice of God*; or if he were ſo diſpleaſed, that he laid aſide his Diſpleaſure, without any *Atonement* or *Sacrifice* of *Expiation*. And ſo, as many as look on *God's Juſtice* and *Holineſs* as neceſſary and eſſential Attributes of God, will be in danger of ſinking into the Depths of Deſpair, as often as they Reflect ſeriouſly on the Guilt of their Sins. But on the other ſide, if we believe that while we were *Enemies we were reconciled to God by the death of his Son*; then we may *have Peace with God through our Lord Jeſus Chriſt*; and have reaſon to believe that there will be *no Condemnation to them that are in Chriſt Jeſus* by a lively Faith and ſincere Repentance; then they may with Comfort look up to God as a Reconciled Father, through *Jeſus Chriſt our Mediator*: Then they may with inward Satisfaction look beyond the Grave, and ſtedfaſtly hope for that Salvation which Chriſt purchaſed on Earth and will at laſt beſtow on all ſuch as Love and Obey him. To which God of his Infinite Mercy bring us all through *Jeſus Chriſt*. For, *This is a faithful ſaying and worthy of all Acceptation, that he came into the World to ſave Sinners.*

Rom. 5. 10. 2 Cor. 5. 19. Heb. 9. 15.

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The DOCTRINE of *Christ's* SATISFACTION: Wherein the *Antinomian* and *Socinian* Controverſies about it are truly ſtated and explained. In Anſwer to Mr. *Lobb's Appeal*, and to ſeveral Letters from the *Diſſenting Parties* in *London*.

PART II.

THE BOOKSELLER TO THE READER.

THIS Second Diſcourſe concerning the Doctrine of Chriſt's Satisfaction, *was left prepared for the Preſs, by the Right Reverend and Learned Author, under his own Hand-writing, except the two laſt Heads mentioned in the Third Chapter of the Contents, which he was prevented from finiſhing by that Diſtemper he laboured under, and which at laſt put an end to his Life. However, it was thought convenient that this ſhould be publiſhed as it is, rather than the World ſhould be deprived of any thing written by ſo great a Man; and as this finds Acceptance, it may encourage the Printing of ſome other Manuſcripts his Lordſhip left.*

Henry Mortlock.

A LETTER *from the Right Reverend Dr.* Stillingfleet, *late Biſhop of* Worceſter, *in Anſwer to one from Mr.* Williams, *who deſired his Judgment as to the following Queſtions; becauſe his Lordſhip's Book is in the firſt Paper, and the Report pleaded againſt Mr.* Williams.

SIR,

I Return you Thanks for the Papers you were pleaſed to ſend me, by which I am able to underſtand ſomething more than formerly of the preſent State of the Difference about *the Change of Perſons between Chriſt and us:* But I ſhall meddle no farther in it, than I am obliged to do in Anſwer to the Queſtions you propoſe to me. And I wiſh I may be able to do any Service therein.

The firſt is about *my Senſe of Commutation of Perſons.* It is ſaid in the firſt Paper, *That I do with* Grotius *expreſſy affirm, and irrefragably prove it with the common Sentiment of Proteſtants, and that the Doctrines of Juſtification and Chriſt's Satisfaction, cannot be duly explained and defended conſiſtently with the Denial of any Commutation of Perſons between Chriſt and Believers.*

This had been fairly repreſented, in Caſe there could be no other Senſe of *Commutation of Perſons* than what is aſſerted by Dr. *Criſp*, but there is a threefold Senſe of it, very different from each other.

1. Such a Change of Perſons, as implies that one is appointed and allowed to act on behalf of others, and for their Advantage; and this ſort of Commutation of Perſons the *Socinians* never denied, as I have ſhewed in the Diſcourſe of *Satisfaction*, p. 62, 190, 191. It is not therefore the uſe of the Words, but the Senſe of them is to be enquired into. For ſome may affirm a Change of Perſons, and yet be *Socinians*; and others may deny a Change, and be far enough from *Socinianiſm*, according to the Senſe in which they are underſtood.

In 8vo. *ſecond Edit.*

2. Such a Change of Perſons as ſuppoſes one to be ſubſtituted in the Place of others, to become an Atonement for them in order to their Redemption and Deliverance. And when ſuch a Subſtitution is by the Will of God, and Conſent of the Perſon who ſuffers, here is a real Change of Perſons, as to that particular End which is deſigned by it. And in this Senſe I did aſſert a Change of Perſons between Chriſt and us, becauſe by the Will of the Father, and his own Conſent, he became a Sacrifice of Propitiation for our Sins, in order to their Remiſſion, and our Reconciliation with God on ſuch Terms as are declared in the Goſpel; as may be ſeen at large in the Diſcourſe already mentioned, particularly *Ch.* 4. *Sect.* 4.

3. Such a Change of Perſons as implies an actual Tranſlation of the Perſonal Guilt of all the Sins of Believers on Chriſt, and his Perſonal Righteouſneſs on them, without regard to any Conditions on their Part, but merely by the free Grace and Favour of God. And this I take to be Dr. *Criſp*'s Senſe of the Change of Perſons; of which I ſhall diſcourſe when I come to the laſt Queſtion.

But the Authors of *the firſt Paper*, and of *the Report*, p. 4. ſeem to take it for granted, that there can be but one Senſe of Commutation

of

of Perſons, wherein they do not diſcover their profound Knowledge in theſe Matters, if they thought ſo; or their Ingenuity, if they knew otherwiſe, and deſigned to impoſe upon thoſe who did not. For it appears that there is a Senſe in which it may and ought to be denied, without the leaſt prejudice to the Doctrine of Chriſt's Satisfaction. Although *that cannot be explained or defended without* ſome kind of *Commutation of Perſons*; yet it very well may and ought to be defended without and againſt Dr. *Criſp*'s Senſe of it, as will be made appear afterwards.

The Author of the *Report*, p. 5. ſaith, *This is the very Hinge on which the Controverſy between the Orthodox and* Socinian *doth turn*; which ſhews him to be not very deeply skilled in it; for *the Hinge of the Controverſy* is not about the Words, but the Senſe of *Commutation of Perſons*: And even the Senſe is not the Original Controverſy, but conſequential upon our aſſerting Chriſt's Sacrifice to be a Propitiation for our Sins; for upon this they ask how the Act of one Perſon can be ſo beneficial to others? And to that we anſwer, That although one Man's Act cannot become anothers, yet if by Conſent both of the Father and Son, he becomes our Mediator, and ſuffers in our ſtead, in order to our Reconciliation, then as to that End and Purpoſe, here is *a Change of Perſons*: for whereas in ſtrictneſs we ought to have ſuffered the Deſert of our own Sins, God was pleaſed to accept of his Suffering inſtead of ours, and ſo by vertue of that Propitiation, we hope for the Remiſſion of Sins, and the Favour of God, according to the Terms of the Goſpel. And therein conſiſts the true Controverſy between the *Socinians* and us, *viz.* Whether the Sufferings of Chriſt were to be conſidered as a Puniſhment for our Sins, and as a propitiatory Sacrifice to God for them, or only as an Act of Dominion over an innocent Perſon in order to his Advancement to glory.

But it is ſaid in the *Report*, p. 5. *That if there be no Change of Perſons between Chriſt and us, there can be no Tranſlation of the Guilt, nor a juſt Infliction of the Puniſhment of our Sins on Chriſt; that is, there can be no proper Satisfaction.*

To this I anſwer, That there is a twofold Tranſlation of Guilt to be conſidered.

1. Of the Perſonal Guilt, which reſults from the Acts of Sin committed by ſuch Perſons. If this Guilt be tranſlated, Chriſt muſt become the very Perſon who committed the Sins; and ſo he muſt be looked on not only as an actual Sinner, but as the Perſon that committed all the Sins of thoſe for whom he died: Which comes ſo near to horrid Blaſphemy, that I wonder Perſons that bear any Reverence to our Bleſſed Saviour do not abhor the very Thoughts of it.

2. Of *Legal Guilt*, which lies in the Obligation to Puniſhment, by vertue of the Sanction of the Divine Law. Now this Guilt implies two things:

1. The Deſert of Puniſhment which follows perſonal Guilt, and cannot be transferred by a Change of Perſons; for no Man can ceaſe to deſerve Puniſhment for his own Faults, nor deſerve that another ſhould be puniſhed for them.

2. The Obligation to undergo the deſerved Puniſhment: But becauſe the Execution of Puniſhment depends both on the Wiſdom and Juſtice of the Legiſlator, therefore here a Change of Perſons may intervene, and by the Wiſdom and Juſtice of God a Mediator may be accepted in ſuch a

manner as himſelf determines, and upon the Acceptance of his Sacrifice the Offenders may be pardoned, and received into the Grace and Favour of God, on ſuch Terms as he hath declared in the Goſpel. And in this Senſe the Guilt of our Sins was charged upon Chriſt as our Mediator, who was to bear the Puniſhment of our Sins, ſo as by vertue of his Sufferings, we may not only hope to eſcape the juſt Puniſhment of our Offences, but to be admitted into the Privileges of the Children of God.

But the *Reporter*, out of a certain *Manuſcript*, gives another Account of *Commutation of Perſons*, viz. *That Commutation in a legal Senſe is the ſame with a proper Surrogation, where the Surety puts on the Perſon, and ſtands in the Quality, State and Condition of the Debtor, and lies under the ſame Obligation to anſwer for him.*

But this I have ſhewed long ſince to be a very wrong Notion of Chriſt's Satisfaction, and which in effect gives up the Cauſe to the *Socinians*; for if Sins be conſidered as Debts, God may freely forgive them (without Diſparagement to his Wiſdom and Juſtice) without any Satisfaction; and the right of Puniſhment then depends on God's abſolute Dominion, and Satisfaction muſt be by way of Compenſation; of which I have treated at large, *Ch.* 1. *Sect.* 2. *ult.* But I cannot but wonder at the learned Author of the *MS.* that he doth at the ſame time aſſert our Sins to be conſidered as *Debts*, and the *Neceſſity of vindictive Juſtice*; for what *vindictive Juſtice* belongs to a *Creditor*? May not a *Creditor* part with his own Right, and forgive what and whom he pleaſes, without any Violation of Juſtice? I can hardly think, that thoſe who write ſo rudely and inconſiſtently, ever penetrated into theſe Matters in their own Thoughts, but only take up with a Set of Phraſes and common Expreſſions among thoſe they converſe with, which they look on as the Standard and Meaſure of Truth about theſe Matters.

But he finds fault with ſome Men, *who hold that Chriſt only ſuffered in the Perſon of a Mediator, and not in the Perſon of Sinners.* What is the Meaning of this? I had thought that a Mediator interpoſing for that end, that by his Sufferings there might be a Propitiation for Sins, did ſo far *ſuſtain the Perſon of Sinners*, as to take upon himſelf the Puniſhment of their Sins, and procure Grace and Favour for them. But if he means any thing beyond this, he muſt explain himſelf. *Chriſt ſuffered in the Perſon of Sinners.* Is it that he ſuffered that others might not ſuffer? That is not denied by thoſe who *ſay that Chriſt ſuffered in the Perſon of a Mediator.* For a Mediator is a publick Perſon, and acts in the ſtead, and on the behalf of others; and if this be called *ſuſtaining the Perſon of Sinners*, I ſuppoſe they will not quarrel with the Expreſſion. But if more be meant by it, *viz.* That the perſonal Guilt of Sinners, in Dr. *Criſp*'s Senſe, is transferred upon Chriſt, that they have to deny; as I hope to make it appear in Anſwer to the third Queſtion.

The ſecond Queſtion is, *Whether the Author of Goſpel-Truth ſtated*, viz. *Mr.* Williams, *be chargeable with* Socianianiſm, *in what he ſaid*, p. 37, 40?

The Charge ſtands thus in the *Report*, p. 4. *That he ſaith, there is no Change of Perſons between Chriſt and Sinners*; which is there ſaid to be *inconſiſtent with the Doctrine of Chriſt's Satisfaction, which muſt ſuppoſe a Commutation of Perſons. And therefore he that denies any Change, cannot aſſert the Doctrine of Satisfaction.*

This

This is the Force of the Objection. And being desired to give my Opinion of it, I examin'd and compar'd several Passages in that Book, that I might judge truly and impartially concerning it. And I found the Author, *p.* 3. saying concerning the Difference with Dr. *Crisp*, *That it was not whether Christ had made full Atonement for Sin*; which he thereby owned to be his Sense. And, *p.* 7. more fully he owns, *That our Sins were imputed to Christ, with respect to the Guilt thereof; so that he by the Father's Appointment, and his own Consent, became obliged as Mediator, to bear the Punishments to the full Satisfaction of Justice, and to our actual Remission when we believe.* Can any thing be more clear and express against *Socinianism* than this? There are other Passages, *p.* 10, 19, 28, &c. to the same purpose; but these are sufficient to shew, that he could not absolutely deny any Commutation of Persons.

But in what Words doth he deny it? For it is possible there may be such Words used as may restrain and limit the Sense; and then it is very hard to force such a Sense upon them, as is inconsistent with what he had said before; for no Man loves to contradict himself, especially when he knows what Advantage will be taken by it. The Words are these, *p.* 40. *The Difference lies in these Points.* 1. *Whether there be a Change of Person between Christ and the Elect? Tea, or betwixt Christ and Believers. This the Doctor affirms, and I deny.* How can any Persons, in common Ingenuity, understand this otherwise than that he denied such Change of Persons, as Dr. *Crisp* affirmed? But against this it is urged by the Author of the *MS.* in the *Report*, p. 81. *That his Denial of a Change of Persons is so express and full, as leaves no room for any Distinction, Limitation or Restriction, or for an owning it in any sense.* What! not in the Sense that himself had owned it in before? This is very hard, especially when he mentions *what the Doctor affirmed, and he denied.* There is a very good Passage to this Purpose in the first Paper, mentioned in the *Report*, p. 12. *Not thinking it reasonable or just to charge upon any Brother such Consequences of any Expression or Opinion of his, which he himself shall disown.* Why then should such a Sense be charged upon him, which he disowns at the same time? There must be something farther in this Matter, than appears to an indifferent and impartial Reader; what it is, is no part of my Business to enquire.

But that which must give the best light into it, will be the Resolution of the last Question.

The third Question is, concerning Dr. *Crisp*'s Sense of the *Change of Persons*, whether it be true or false? Which, I suppose, is truly set down by the Author of *the Gospel Truth stated*, in these Words, *p.* 38. *Mark it well, Christ himself is not so compleatly righteous, but we are as righteous as he; nor we so completely sinful, but Christ became, being made Sin, as sinful as we: Nay more, we are the same Righteousness; for we are made the Righteousness of God; that very Sinfulness that we were, Christ is made that very Sinfulness before God. So that here is a direct Change, Christ takes our Person and Condition, and stands in our stead, and we take Christ's Person, and stand in his stead.*

Here is indeed *a Change of Persons* supposed, but I do not find it proved; and therefore is only to be looked on as an *imaginary Change*, which it is possible for Men to fansy: But that is no ground to build a matter of Faith upon, and such as the Salvation of their Souls is so nearly concerned in. But to deliver my Opinion freely and distinctly about it, I shall shew,

1. That

1. That it hath no Foundation in Scripture.

2. That it is contrary to the Tenor of it, and the Terms of Salvation contained in the Gospel.

3. That it is attended with very bad Consequences, which naturally follow from it.

1. That it hath no Foundation in Scripture. For which I desire it may be considered, that our blessed Saviour himself in all his Preaching, who came to reveal the Will of God to Mankind, saith nothing at all of it; and can any possibly think, that he would omit such a Point, wherein, I perceive, some do think *the Substance of the Gospel* is contained? All that our Saviour saith to this Purpose, is, *That he came to give his Life a Ransom for many*, Mat. 20. 28. and that *his Blood was shed for many for the Remission of Sins*, Mat. 26. 28. What other *Change of Persons* is here implied, but that of *a Ransom*, and *a Sacrifice of Propitiation*? He that knew best for what end he suffered, saith not one Word of his taking upon himself the *Person of Sinners*, in any other Sense than as he suffered in their stead, and for their Advantage. Here is nothing like *his being as compleatly sinful as we*; *and our being made as righteous as he.* And yet certainly he communicated to his Disciples those Points on which their Justification and Salvation depended. But how could they apprehend any such *Change of Persons* in this Sense, from any Words used by himself to them? And all necessary Points of Faith were delivered by our Saviour to his Disciples: And therefore to make such a Change of Persons necessary, and yet not mentioned by him, is to charge him with failing in his prophetical Office, which all those ought to consider, who lay such a stress upon this Matter.

But doth not St. *Paul* say, *that God hath made him to be Sin for us, who knew no Sin, that we might be made the Righteousness of God in him*? 2 Cor. 5. 21. I grant he doth so. *But do not these Words imply such a Change of Persons, as Dr.* Crisp *asserts*? By no means: Which I thus prove: Dr. *Crisp*'s Notion of *the Change of Persons*, supposes the Benefits of this Change to be antecedent to any Conditions on our side, *viz.* that it was by a Transaction between the Father and the Son, without regard to any Act of ours: But when the Apostle speaks of *Christ's being made Sin for us, and our being made the Righteousness of God in him*, he supposes, that before we can have the Benefit of it, we must be first *reconciled to God*, which is an Act on our part. For to this purpose he saith, *ver.* 18, 19. that after *the Reconciliation* made by Christ at his Death, he had given to the Apostles *the Ministry of Reconciliation.* To what purpose? Was it only to let them know what Christ had already done for Mankind? That were to set up a *Ministery of Consolation for Believers*, but not of *Reconciliation.* But the Apostle lays great Force upon it, *that God had committed to them the Word of Reconciliation. Now then*, saith he, *we are Ambassadors for Christ, as though God did beseech you by us, we pray you in Christ's stead, be ye reconciled to God*, ver. 20. They were by this *Ministry of Reconciliation*, after what Christ had done and suffered, *prayed*, and with great Earnestness, *to be reconciled to God:* To what end? If according to *this Change of Persons*, they were *more than reconciled to God already*, if they were true Believers; for they were *as righteous as Christ himself*, and therefore must be in the Grace and Favour of God. If they were not Believers, then, according to this Scheme of *the Change of Persons*, they could have no Benefit by it; and consequently *this Ministery of Reconciliation* is wholly subverted, as to the great Purpose

Purpoſe and Deſign of it. For either they were *reconciled* already, or they never could be. And yet the Apoſtle, after thoſe Words, *ver.* 21. immediately ſubjoins, *ch.* 6. 1. *We then as Workers together with him, beſeech you alſo, that ye receive not the Grace of God in vain.* What can the meaning of theſe Words be, if Dr. *Criſp*'s Senſe of the *Change of Perſons* hold good? Can they who are *compleatly righteous*, ever *receive the Grace of God in vain?* And to what purpoſe doth he ſpeak of *their working together with God*, and *beſeeching them* not to do a thing utterly impoſſible? For it would be to undo what had long ſince been done between the Father and the Son in *the Change of Perſons*. So that this Notion of *the Change of Perſons* is as different from St. *Paul*'s as may be; for that ſuppoſes no Conditions on our ſide; and the *Miniſtery of Reconciliation in St.* Paul, is wholly founded upon it, and really ſignifies nothing, as to the ends he propoſes without it. For to what purpoſe is that appointed to perſwade Men to be *reconciled to God*, if all that ever ſhall be admitted to Heaven, were long ſince reconciled at the Death of Chriſt, and they were made as *compleatly righteous as Chriſt himſelf?*

It may be ſaid, *That the Miniſtery of Reconciliation is not uſeleſs, becauſe it is the Means whereby God doth effectually convey his Grace into the Hearts of Believers.* But this cannot ſatisfy any one that conſiders St. *Paul*'s Expreſſions: For his Words are, *We pray you in Chriſt's ſtead, be ye reconciled to God* If he had ſaid, *That God had made Chriſt to be Sin for you already, and you as righteous as Chriſt was*; how would it have looked to have ſaid after this, *We pray you to be reconciled to God?* For what need they any *Reconciliation*, who were already ſo much in his Favour?

But is there no Change of Perſons then implied in thoſe Words of St. Paul; *Who made him to be Sin for us, who knew no Sin, that we might be made the Righteouſneſs of God in him?* Yes certainly. Such a *Change*, whereby Chriſt did undergo *the Puniſhments of our Sins*; and ſo *Eraſmus* obſerves, *that Chriſt is not called a Sinner here*, as Dr. *Criſp* would have it, but *Sin*; i. e. *a Sacrifice for Sin, according to the Scripture-ſenſe: And we are made the Righteouſneſs of God in him*, i. e. That God upon the account of his Sacrifice, and our Reconciliation to him, would treat us as Righteous Perſons, or receive us into his Grace and Favour; which is all that I can find that St. *Paul* underſtood by this Expreſſion.

2. I am now to ſhew, that this Notion of the *Change of Perſons*, which Dr. *Criſp* aſſerts, is contrary to the whole Tenor of the Scripture, and the Terms of Salvation contained in the Goſpel. I am ſenſible how large a Field I am entred upon: And if I ſhould purſue this matter as it deſerves, it would take up much more room than I can allow this to Anſwer. I could eaſily prove that in all the Tranſactions between God and Mankind, ſome Conditions on our ſide were required in order to his Favour. So it was in the ſtate of Innocency; ſo it continued after Man's Fall, as appears by thoſe remarkable Words of God to *Cain*; *If thou doſt well, ſhalt thou not be accepted? If thou doſt not well, Sin lieth at thy Door*, *Gen.* 4. 7. So it was in God's Dealing with the *Patriarchs*, and the moſt excellent Perſons in the Old Teſtament, *Abraham, Moſes, David, Job, &c.* But I paſs over theſe, (although I ſuppoſe they will not be denied to have been of the *Elect*, and to have had the Benefit of *Chriſt's Righteouſneſs* as well as Chriſtians) and come to the Terms of Salvation, as declared by Chriſt himſelf. Let any one ſeriouſly peruſe the Doctrine which he preached from the time, *when he began to preach, and to ſay, Repent, for the Kingdom of Heaven is at hand*, Mat. 4. 17. And he ſhall find

find the main Buſineſs of his Preaching was to put Men upon performing ſuch Conditions as were neceſſary to their Salvation, and for that reaſon; as may be ſeen in his Sermon on the Mount, in which he begins with promiſing Bleſſedneſs to the *humble*, *merciful*, *pure in Heart*, Mat. 5. 3, 4, &c. What do theſe things mean, if they be not Conditions on our parts neceſſary in order to Happineſs? And that they are conſidered by God as ſuch? Why doth he ſay, *Except your Righteouſneſs exceed the Righteouſneſs of the Scribes and Phariſees, ye ſhall in no caſe enter into the Kingdom of Heaven*, Mat. 5. if ſuch a Righteouſneſs be not a Condition required in order to ſuch Entrance? And if it be, no *Change of Perſons* without inward and real Righteouſneſs, can be ſufficient. Our Saviour doth not ſpeak of what will be *eventually* ſome Perſons, but of what is required to be done in order to an end. And therefore he concludes his Sermon with ſaying, *Whoſoever heareth theſe Sayings of mine, and doth them, I will liken him to a wiſe Man, who built his Houſe upon a Rock*, &c. *Mat.* 7. 24. Not he that believes that he is one of thoſe who is made *compleatly righteous by a Change of Perſons*, without any Change of Temper, or Diſpoſition of Mind: He never promiſes the leaſt degree of Happineſs to ſuch; but ſtill inſiſts on our own Endeavours, *By ſtriving to enter in at the ſtrait Gate, which St.* Paul *calls, working out our own Salvation with Fear and Trembling, and St.* Peter, *giving all diligence to make our Calling and Election ſure. For*, ſaith he, *If ye do theſe things ye ſhall never fall.*

Do not theſe Expreſſions note the Neceſſity of the performance of Conditions on our ſide? And therefore all imaginary Notions of ſuch a *Change of Perſons*, as hath no regard to any Acts of ours, is wholly repugnant to the main Scope and Deſign of the Goſpel. I meddle not with the Diſpute about the Moral Law, which muſt continue to oblige us, as long as the Reaſon of it continues; but the main Argument to me is from the Goſpel, as it is delivered by Chriſt and his Apoſtles, who certainly underſtood the *Subſtance and Deſign* of it far better than Dr. *Criſp*, or the *Reporter* doth. What was tranſacted between the Father and the Son, we know no more than they have revealed to us; and we know they had no deſign to impoſe upon Mankind, by laying ſo much Weight upon ſuch Conditions as God had no regard to, and by concealing from them ſuch a *Change of Perſons*, as made them *compleatly righteous* without any Act of theirs. Men could never be reconciled to the juſt Veneration and Eſteem we have of the Sacred Penmen of the Scriptures, nor to their Knowledge of the Myſteries of the Goſpel, nor to their Fidelity in declaring them for the good of Mankind. So that if we find nothing of this *Change of Perſons* in their Writings, and ſo much as is utterly inconſiſtent with it, we have all the reaſon in the World to reject it.

This Notion of the *Change of Perſons* is attended with very bad Conſequences. Which I do not charge on thoſe who do not ſee them, or are carried by ſome higher Principles above them; but we are not to judge of Perſons, but of Things, and the natural Tendency of Principles.

And ſo the *Change of Perſons*, in this Senſe, hath theſe very bad Conſequences: That it is apt to leſſen our Reverence of the Divine Perfections; our juſt Senſe of the Differences of Good and Evil; our Obligations to all ſorts of Duties: It tends to the Diſparagement of that *free Grace* they pretend to exalt; and expoſes the Goſpel to the Reproach and Contempt of Infidels; and leaves the Minds

Minds of those who embrace it, under great Temptations to *Presumption.*

These things I can only mention, because you desired a short Answer to your Questions; and I have brought it into as narrow a Compass as I could.

I am, SIR,

Nov. 10. 97.

Your Faithful Friend and Servant,

ED. WIGORN.

Mr. St. Lobb's *First Letter,* Nov. 18. 1697.

My Lord,

THere being a Controversy among Dissenters about the Doctrine of Christ's Satisfaction, some of the most eminent among them, such as Dr. *B.* Mr. *H.* &c. did, in a Paper sent to some other Brethren for Conciliation, mention your Lordship's Sense about the asserting a Commutation of Persons between Christ and Us, as necessary to a due Explanation and Defence of the said Doctrine: And on the other hand, there is another of Esteem among us, who is for casting off the Phrase of a Change of Persons between Christ and Us, allowing only a Change of Person; upon which, he saith, your Lordship hath put an honest Sense, *viz.* a Substitution of one Person in the room and place of another. Your Lordship's Judgment therefore being referr'd unto, it will be a most Christian part, if you shall condescend to give us your impartial Thoughts of this point, as being likely, on both hands, to be so received, as to compose the Difference between us.

I am the more earnest in this, because I see that some are labouring to make Christ's Sufferings so merely voluntary, as not to be pœnal, or not properly pœnal, but improperly and materially so: and our Sins not to be the impulsive, or not the near impulsive meritorious Cause of them.

There being no other end in sending this, I hope your Lordship will both pardon and answer the Request of,

My LORD,

Your Lordship's most obedient Servant,

and sincere Honourer,

Stephen Lobb.

Anſwer to Mr. St. Lobb's *Firſt Letter*, Dec. 12. 1697.

SIR,

YOUR Letter, which bears date, *Nov.* 18. came not to my hands till *Dec.* 10. and in the mean time, I doubt not but you have ſeen my Letter to Mr. *W.* wherein I have given my Senſe of the things which are mentioned in yours, and that with great Freedom and Impartiality, after I had peruſed the Papers on both ſides, which came to my hands. And I heartily wiſh you had ſent me your Letter after you had ſeen mine, that I might have removed any Difficulties you apprehend therein: For I deſire to prevent all needleſs, as well as dangerous Controverſies among thoſe who truly own the Doctrine of Chriſt's Satisfaction. And I cannot think a Form of Words, capable of a very bad ſenſe, is to be inſiſted ſo much upon; although others may have uſed it in a good ſenſe. And therefore there is no need to diſpute your Authorities about the Sound and Orthodox Senſe ſome Divines have uſed thoſe Expreſſions you mention in: But the plain ſtate of the Caſe at preſent is this.

Dr. *Cr.* hath aſſerted ſuch *a Change of Perſons* between Chriſt and Believers, from whence all the *Antinomian* Principles do neceſſarily follow; as *That God ſeeth no Sin in his People, that no Conditions are required on our Parts, to make us Partakers of the Benefits of Chriſt's Sufferings, that Juſtification is before Faith*, &c. This Senſe of the Change of Perſons was denied, as it ought to be, by Mr. *W.* but allowing what is underſtood by it, as to Chriſt's undergoing the Puniſhment of our Sins; upon this he is accuſed as rejecting ſuch a Change of Perſons as is neceſſary to maintain the Doctrine of Satisfaction. This, I confeſs, appeared to me a very hard and unreaſonable Proceeding; as I have ſhewed in my Letter. But I perceive by the Papers you ſent me, that you diſown the *Antinomian* Principles, which I was glad to find; and therefore you cannot but diſown ſuch a Change of Perſons from whence they follow; or elſe you muſt ſhew, that thoſe Principles do not follow from it, which I think you will hardly do.

Sir, I am ſo far from thinking you need to ask Pardon for your writing to me about ſuch matters, that I ſhall be glad to hear farther from you, and to underſtand what your Senſe is of my former Letter to Mr. *W.* as well as of this. For by what I can obſerve from the ſeveral Papers, it is a Fondneſs for Dr. *C*'s Notions, which lies at the bottom of all theſe Heats; which ſeems to me to have been the true reaſon why thoſe Propoſitions were not condemned, which were taken out of his Books, and of others of his way.

I cannot but look on thoſe *Antinomian Doctrines* as of very dangerous conſequence to all that underſtand them, as well as to thoſe who do not.

But I find by what you affirm of your ſelf, that all thoſe who oppoſe Mr. *W.* are not for Dr. *C*'s Notions; and as to ſuch there is nothing but a Miſunderſtanding of each other, which may be eaſily rectified, if Perſons be inclined to think well of one another.

I am, SIR,

Your Faithful Friend and Servant,

E. W.

Mr.

Mr. Lobb's *Second Letter*, Dec. 18. 1697.

My Lord,

ON a Peruſal of your Letter to Mr. *W.* I was abundantly ſatisfied, in what you write about a Commutation of Perſons, the Guilt of Sin, and your Confutation of Dr. *Criſp*; only I wiſhed your Information had been more full than I perceive it was; for then you would have ſeen that the Authors of the *firſt Paper*, and *the Report*, are not for a Commutation of Perſons in the Senſe of Dr. *C.* That your Lordſhip therefore may have a fuller ſtate of matters in Controverſy among us, I have prepared ſome Sheets for the Preſs, in which I have given the true Reaſons of the Diſſatisfactions of ſome with Mr. *W.* directing it to your Lordſhip; becauſe you have ſo clearly ſtated our true Senſe about Chriſt's Satisfaction. It is almoſt finiſhed, and I ſend you this humbly to beg your Lordſhip's Pleaſure, whether I ſhall ſend it unto you now in MS. or not till printed.

My Lord, My hopes are, that God will bleſs your farther Endeavours for compoſing our Differences, at leaſt in the point of Satisfaction, about which I am moſtly concerned.

Yours of the 12th came to my hands this Evening; for which I render your Lordſhip my humbleſt Thanks.

In the Papers above-mentioned, you will ſee my Senſe of your Letter to Mr. *W.*

That Dr. *C.* hath aſſerted ſuch a Change of Perſons between Chriſt and Believers, as from whence all the *Antinomian* Principles do neceſſarily follow; as, That God ſeeth no Sin in his People, That no Conditions are required on our parts to make us Partakers of the Benefit of Chriſt's Sufferings, That Juſtification is before Faith, *&c.* we entirely agree with your Lordſhip, whilſt we are neceſſitated to diſſent from you in what you add about your Charity to Mr. *W.* not doubting but that we ſhall be able to evince, that it is not a Fondneſs for Dr. *C*'s Notions, that lieth at the bottom of all theſe Heats. The true Reaſon why the Propoſitions were not condemned, you will find in the Papers prepared for the Preſs, in which your Lordſhip will alſo obſerve, why the controverted Phraſes are rejected by Mr. *W.* and Mr. *A.* I will wait for your Lordſhip's Commandments, being,

My LORD,

Your moſt Obedient Humble Servant,

Stephen Lobb.

Anſwer to Mr. St. Lobb's *Second Letter,* Dec. 22. 1697.

SIR,

I Am very glad my Letter to Mr. *W.* gave you any Satisfaction, as to the point of Commutation of Perſons, *&c.* Only you wiſh I had received fuller Information of ſome matters of fact; which was a thing out of my power, and I could only judge by what I had ſeen. By the firſt Paper it did appear to me, that Mr. *W.* was charged with denying ſuch a Commutation as was neceſſary to explain the Doctrine of Satisfaction; whereas he only denied ſuch a Change as was affirmed by Dr. *C.* If there be any thing more in Mr. *W*'s caſe, I ſuppoſe I ſhall ſee it in the Papers you are preparing for the Preſs; which I ſhall be glad to ſee when they are printed. I would not have you give your ſelf the trouble to ſend them before. For ſince they relate to matters of fact, I can be no competent judge of them.

I am very well pleaſed to find that you diſown Dr. *C*'s *Antinomian* Principles: I think you would do your ſelves a great deal of right to condemn the Propoſitions which they inſiſt upon. For I had ſome reaſon to believe that they were too much favoured by ſome of your Brethren, but I ſhall not be ſorry to find my ſelf therein miſtaken.

I am, SIR,

Your Faithful Friend and Servant,

E. W.

An Anſwer to Mr. Lobb's *Printed* Appeal.

CHAP. I.

Of the true Occaſion of the preſent Difference.

SIR,

I Have read and conſidered your *Appeal*; and I am very willing to do my Endeavours in order to the compoſing thoſe *Differences* among you, which relate to the *Antinomian* and *Socinian Controverſies*; and which, I think, cannot be ended without a clearer underſtanding of the *true ſtate* of both of them. For, if I be not much miſtaken, the one hath given occaſion to the other; and if the juſt bounds between them be duly ſetled, the preſent Diſpute about the ſignification of ſome doubtful Words and Phraſes will fall to the ground, (as I hope to make it appear in the Progreſs of this Diſcourſe.) And I ſhall be heartily glad to contribute any thing towards the leſſening *any needleſs, as well as dange-*

rous

rous Controverſies among thoſe who truly own the Doctrine of Chriſt's Satisfaction; ſince it is now out of my Power to prevent them.

But it was a *Civility* greater than I had reaſon to expect, that you ſhould in the beginning of your *Appeal, render me your unfeigned Thanks*, not only for what relates *to the Article of Satisfaction, but for my Confutation of Dr.* Criſp; ſince I had intimated to you in one of my Letters, that I apprehended, that a Fondneſs for his Notions lay at the bottom of all theſe Heats. And I cannot ſay, that my Opinion is altered by your Appeal; of which I ſhall preſently give my Reaſons.

But I muſt firſt take notice, that you tell me, that *I have not been ſo fully acquainted with the matters in difference as could be wiſhed.* Truly, when I wrote my Letter to Mr. *W.* I went chiefly upon the *Report* which you had publiſhed; and I thought I might rely upon it. But I find ſince, ſome of your Brethren charging it with *Diſingenuity, Prevarication, and Partiality*, (Reb. p. 3.) but I ſaw no cauſe to ſuſpect any ſuch thing, as to what I was concerned in; which was the giving an Anſwer to the *three Queſtions* propoſed to me. But wherein is it that I have ſhewed my ſelf *not ſo fully acquainted with the matters in difference among you?* Is it that I ſay, *that the Authors of the firſt Paper, and the Report, ſeem to take it for granted, that there can be but one Senſe of Commutation of Perſons?* But if you reflect upon the uſe made in the *Report* of Mr. *W*'s denying *a Commutation of Perſons, as Dr.* Criſp *had affirmed it*; that therefore *he muſt deny ſuch a Commutation as is eſſential to the Doctrine of Chriſt's Satisfaction*, you will eaſily perceive, that the whole force of this Reaſoning depends upon this, that he that denies it in any Senſe, muſt deny it in all. Which I ſhewed to be very unreaſonable, ſince there may be and are ſuch different Senſes of it. For there is a Senſe, as I ſaid, wherein it may and ought to be denied, without the leaſt Prejudice to the Doctrine of Chriſt's Satisfaction; and although that cannot be explained and defended without ſome kind of Commutation of Perſons, yet it very well may and ought to be defended, without and againſt Dr. *Criſp*'s Senſe of it. For in one of your Letters, you grant, *That the Antinomian Doctrines do neceſſarily follow Dr. C's Notion of the Change of Perſons*: Either then they muſt be owned to be true, or his Senſe of it muſt be falſe. But you deny the former, and therefore you muſt yield the latter, and confeſs that Mr. *W.* had reaſon to deny the Change of Perſons in his ſenſe. But of this more afterwards.

Anſwer to the Report, *p.* 1.

Or, do you think it argues *my not being ſo fully acquainted with the matters in difference among you*, becauſe I intimated, *That I ſuſpected a fondneſs for Dr.* Criſp's *Notions lay at the bottom of all theſe Heats?* I muſt deal ſo freely with you, as to let you know, that the way you have taken to remove this Suſpicion, hath confirmed me in it. You put me at firſt in very great hopes of ſeeing an effectual Confutation of it; for you ſay, *That the condemning the Propoſitions by your Brethren, will evince the contrary.* This is indeed to the purpoſe. But where is this *Condemnation* to be ſeen? I hoped to find it in your *Appeal*, or at the end of it. But I was utterly diſappointed; and inſtead of it you tell me, *p.* 43. that the reaſon why they had not done it was, "That none of the 49, "whoſe Names were to the Teſtimonial before Mr. *W*'s Book, called "*Goſpel-Truth ſtated*, had recalled their hands; or expreſſed ſo much Diſ- "ſatisfaction with what he had aſſerted, as was expected: Beſides, you "ſay, Having ſince diſcourſed ſeveral of them, you find them very wil- "ling to declare their diſlike of the Propoſitions, and you are perſwaded "they

"' they will chearfully do it, (but when?) whenever Satisfaction ſhall ' be given to what Mr. *W.* is charged with. And is this the *condemning the Antinomian Doctrines*, which you promiſed? This only relates to *ſome, whom you diſcourſed with*; and even theſe are for putting it off to the longeſt day, or till Mr. *W.* confeſſes he hath wrongfully denied *Dr. C's Change of Perſons*, i. e. they will renounce *Antinomianiſm*, when Mr. *W.* confeſſes himſelf to be an *Antinomian*: For you grant, he cannot own *Dr.* Criſp's *Senſe of the Change of Perſons, but the Antinomian Doctrines muſt follow from it.* I do not by this intend to call in queſtion your Sincerity in oppoſing *Antinomianiſm*; for you have declared it ſo often, and in ſuch a manner, that I muſt think very hardly of you, if I thought you could conceal a *Fondneſs* for that Doctrine, under ſuch Expreſſions againſt it. For you not only tell me, that you have formerly written againſt it; but you ſpeak againſt ſome of the Doctrines of it with *great Indignation*, p. 8. and you have ſeverely rebuked ſome of your Brethren for trimming too much in favour of *Antinomianiſm*; and ſay, *That you refuſed to ſet your Name to the new Impreſſion of Dr.* Criſp's *Sermons* (*when others did it who now blame you*) *becauſe it looked like giving too much countenance to the Notions in them.* So that I do not at all queſtion your Zeal againſt *Antinomianiſm*; and I do ſuppoſe ſome more of your Acquaintance may be of your Mind. But that which ſticks with me is, that the *firſt Heat* which began among you, was upon that *new Impreſſion of Dr.* Criſp's *Sermons*, which hath continued ever ſince, but not managed ſo openly as at firſt; and therefore was wiſely turned into a charge of *Socinianiſm*, and put into your hands, who could not be ſuſpected for *Antinomianiſm.*

Defence of the Report, p. 85.

But I am now ſo much *better acquainted with the matters in difference among you*, that I doubt not, from the Papers on both ſides, to make this matter clear to any unprejudic'd Perſons; which will give great light to the following Diſcourſe, and, as you deſire, *lay open the Wound in order to a Cure.*

Weare then to take notice, that about 7 or 8 years ſince, Dr. *Criſp's Sermons* were thought fit to be reprinted, with the addition of ſome new ones; and your ſelf confeſs (which is very material) *That you were deſired* among others *to ſet your Name to the Atteſtation before it*; *but you* very honeſtly *refuſed it, becauſe you apprehended it would be taken for granted, at leaſt by the common People, that your Name ſhould ſtand there as an Approval of all the Notions in that Book, and enſnare many to a Cloſure with the Errors contained in it.* Which was a ſufficient Reaſon. But it ſeems others were more eaſie in the matter; for twelve venerable Names, in great Letters, appear in the beginning of it: (whom I forbear to mention.) It's true, that the Words of the Atteſtation go no farther than, *that the additional Sermons were faithfully tranſcribed by the Author's Son from his own Notes.* But what need ſuch an *Atteſtation* of twelve Reverend Perſons, that Mr. *Sam. Criſp* did not falſify his Father's hand? Was there ever ſuch an *Atteſtation* given to a Perſon of any tolerable Credit? What muſt the World think, if no more were intended, of the Veracity of that Gentleman? But it may be ſaid, *That ſome of theſe Perſons afterwards cleared themſelves in another Teſtimonial to Mr.* Flavel's *Book againſt Antinomianiſm.*

I grant, that ſome of them being ſenſible of the Reproach they lay under by that *Atteſtation*, did endeavour to clear their Reputation, as to this matter, in theſe Words, *That whereas ſome weak People had miſunderſtood that Certificate, as if they intended an Approbation of all that is contained in that Volume, they declare they had no ſuch Intention.* But you

tell

tell us, that you refuſed to join in that *Atteſtation*, becauſe it would be ſo underſtood. And ſo you muſt be under *the weak People*, who did ſo apprehend the Deſign of it, or they who did not apprehend that ſuch uſe would be made of it. But as you very well obſerve, *Defence of the Report*, *p.* 86. Theſe very Perſons in that new Teſtimonial do affirm, *That the difference between Dr.* Criſp *and others ſeems to lie not ſo much in the things, which the one or the other of them believe, as about their order and reference to one another.* But you truly anſwer, *That you look on the difference between the Orthodox and Dr.* Criſp *to be much greater than this ſort of palliating Preface will allow it to be. And that if there be any thing dangerous in Dr.* Criſp's *Writings, as you believe there is, the Expreſſions there uſed, tend to enſnare poor People to believe them as ſound and true.* So that you can by no means think, that theſe Perſons have acquitted themſelves from giving too much countenance to Dr. *Criſp*'s Opinions. And one of thoſe Subſcribers hath ſince ingenuouſly confeſſed, *That this Impreſſion of Dr.* Criſp's *Sermons awakened ſome of the more zealous among the united Brethren, to conſider of ſome proper Expedient to obviate the growth of thoſe Errors.* Rebuke, *p.* 10.

And this was the Occaſion of Mr. *D. Williams*'s publiſhing his Book, called *Goſpel-Truth ſtated*, wherein ſome of *Dr.* Criſp's *Opinions are conſidered*, &c. *A Book*, ſaith the ſame Perſon, *to ſay no more, ingeniouſly penned, exactly methodized, the Truths and Errors fairly ſtated, and for ought I can ſee, piouſly deſigned.* This Book came forth at firſt with the *Atteſtation* of ſeveral of his Brethren, not merely as to *the right ſtating of Truths and Errors, but as a conſiderable ſervice to the Church of Chriſt; and as a means for the reclaiming of thoſe who have been miſled into ſuch dangerous Opinions, and for the eſtabliſhing thoſe that waver in any of theſe Truths.* Which are the Words of it.

Mr. *Williams* declares in the beginning of his Preface, *That he had been often ſollicited to this work by ſeveral of his Brethren; and that he was convinced, that the Revival of theſe Errors muſt make their Miniſtery uſeleſs, and Unity impoſſible.* This bears date, *May* 4. 1692.

But as the Author of the *Rebuke* expreſſes it, *p.* 15. upon the coming forth of this Book, *Such a ſtorm of Paſſion, ſuch Indignation againſt the Author and his Book broke out, as had almoſt overſet the united Brethren with their Union.* The firſt publick Act, whereby any diſcovered their Reſentments, was a Paper delivered in to the *united Brethren*, Oct. 17. 1692. *Importing a high and heavy Charge againſt the Author and his Work, and ſubſcribed by ſix, three whereof never entred into the Union, and yet now joined in accuſing him for breaking it*, p. 18. But it ſeems theſe *united Brethren* looked upon theſe Accuſations either as *frivolous*, or *ungrounded*; for ſay they, *They recited as Mr.* Williams's *Words, what they found quite contrary to the Letter of his Expreſſions.* Upon this one of the Subſcribers, a warm Advocate for Dr. *Criſp*, (as he hath ſince abundantly diſcovered himſelf) declared in a meeting of the *united Brethren, That he would break off from their Union, becauſe they had taken no notice of the Paper of Objections againſt Mr.* Williams's *Book.* *Anſwer to the* Report, *p.* 3.

Which Paper is ſince printed by the ſame Perſon; and to be ſure to have it ſeen, both at the beginning and end of one of his learned Treatiſes againſt Mr. *W.* but with ſome variety. But the only thing conſiderable in it, is, that among all the Exceptions then given in, there is not one word tending to the Charge of *Socinianiſm* againſt Mr. *W.* Can we imagine theſe zealous Brethren ſhould omit ſo material a Charge, if they had *Neonomian* Part 3. *p.* 1. *p.* 95.

had ſuſpected it, or have been ignorant of it, if there had been ground for it? So that if it be a juſt Charge, it is a great Reproach upon thoſe who delivered in their *Exceptions*, and wholly left it out. It is true, they very prudently reſerve to themſelves a liberty of bringing in farther *Exceptions* afterwards; but it is not conceivable that they would have omitted this, if they had ſeen any ground for it; becauſe it would have made much more noiſe, as it hath done ſince, than any of thoſe *ungrounded Exceptions* (as the *united Brethren* called them) which they delivered in.

But it is farther obſervable, that ſome conſiderable time after this, other ways being found unſucceſsful, a Perſon was appointed (whom I need not name) to examine Mr. *Williams*'s Books, and to collect out of them what Errors he could diſcover. And accordingly a Paper was drawn up of *Objections* againſt Mr. *W.* which coming to Mr. *H*'s hand, he printed it, which occaſioned a ſhort Reply by Mr. *W.* And here the Charge of *Socinianiſm* began, which Mr. *W.* calls *ſlanderous* in his Anſwer to Mr. *H*'s Letter, *p.* 7. and makes this ſolemn Proteſtation: That he owned *Chriſt's eternal Generation as the Son of God, of one Eſſence with the Father; that he owned the Doctrine of Satisfaction, by the Sufferings of Chriſt in our ſtead; and that his Sufferings were Puniſhments ſatisfactory to Divine Juſtice for our Sins; that Chriſt was a proper Sacrifice, and himſelf the Prieſt that offered it upon Earth; that his Obedience is properly meritorious of all our ſaving Benefits; and himſelf a proper* Ἀντίψυχον *in his Death.*

Now I appeal to your ſelf, whether any Perſon can in more proper and effectual terms clear himſelf from the charge of *Socinianiſm*, than he hath done in theſe Words. I believe you to be no *Antinomian*, becauſe you have ſo expreſly declared your ſelf to be none; but not in Words which can ſignify it more than theſe are againſt *Socinianiſm*: And why muſt I not in equal Juſtice and Charity believe him to be no *Socinian*? But if after all he may be a *Socinian*, and not know it; why may not others as well ſay, you may be an *Antinomian*, and not know it? You may ſay, *That he uſes ſome Phraſes and Expreſſions as they do*; but doth he uſe them in their Senſe? It's poſſible I may think you may uſe ſome Expreſſions, as the *Antinomians* do, muſt I therefore think you an *Antinomian* againſt your expreſs Declaration to the contrary? Why ſhould not the ſame meaſure of Juſtice and Charity be uſed to Mr. *W.* which you would think reaſonable in your own Caſe? But of this more at large hereafter. That which I now obſerve, is, that this charge of *Socinianiſm* was ſo lately begun, although it had been carried on with ſo much noiſe and earneſtneſs ſince. For in your *Letter* to Dr. *Bates*, in Anſwer to *Mr.* Williams *his ſhort Vindication*, you have theſe words: *Why did you make the Intimation of* Socinianiſm *thus publick? Mr.* H. *carefully concealed that part from the World; and it was my Reſolution to have confined all Debates of it among our ſelves.* As to your Inſtances, they muſt be conſidered in their due place; but you take no notice of his Proteſtation againſt *Socinianiſm*, which I think you ought to have done.

Letter to Dr. Bates, *p.*15.1695.

The next thing fit to be obſerved as to this matter, is, that it appears by the Anſwer of the *united Brethren* to your Report, *p.* 3. that a number of the Brethren was appointed to conſider the Objections againſt Mr. *W*'s Book, who with the Objectors came to an Accommodation in that affair, by a Subſcription to certain Doctrinal Propoſitions, wherein no notice is at all taken of theſe Phraſes, which ſo much weight is now laid upon;

upon; and therein is contained, say they, *a Promise to their utmost to avoid all Appearance of opposition to one another*; and among those Subscribers your Name appears, *p.* 5. I hope I may upon this Appeal ask you, whether at that time you knew of this charge of *Socinianism* to lie against Mr. *W.* or not? If you did not, yet you promised no *opposition* as long as persons kept within the bounds of that agreement; if you did know it, the matter lies harder upon you. For you *to promise no opposition*, and yet think your self at that time bound to oppose. But rather than charge you with this, I believe this about *Socinianism* to be a game started afterwards, upon a fresh Examination of his Books.

But in the mean time, what was done against the *Antinomian Errors*? For we are to consider, that notwithstanding the expedient, the Union was soon broken, as the *united Brethren* say, *and those called congregational Brethren held a distinct and separate meeting, the very day and hour of the Week of their assembling as united Brethren.* To prevent a total breach, *in the latter end of* 1694. *a number was appointed to treat with the dissenting Brethren in order to a Re-union*; and they pretended nothing for their Separation, *but that there were erroneous Persons in the Union.* But to give Satisfaction, a new Paper of *Propositions* was drawn up, on the one side, against such Errors as they suspected, and on the other *against Crispian and Antinomian Errors*; and they tell us, *That your self, with three more, were employed in it; and that you were the Person pitched upon to carry it to the dissenting Brethren*, Jan. 7. 1694. But they tell us withal, *That this Paper was rejected by them, and no Answer sent them concerning it to that Day.* And the Author of the *Rebuke* saith, *p.* 27. *That no Satisfaction could be obtained, they were inflexible; and would not comply in any one of the seven Articles proposed to them; and thus the breach became beyond the united Brethren's making up.* And he adds, *That some of the chief of the dissenting Brethren did, both from Press and Pulpit, disseminate such horrid Opinions, as filled all intelligent Persons with equal Astonishment and Indignation*; a number of which he there sets down, which are all *Antinomian* Doctrines. And the *united Brethren* in their Answer repeat the same, *p.* 22. and offer *to prove them from the Books of the aforesaid Authors, and a great deal more, if not worse of the same sort: By these things*, say the *united Brethren, it's manifest what the difference is about, though a noise hath been raised about things remote from the true occasion, that while we seemed to be only on the defensive part, their Errors might receive Countenance, as if unopposed, and the Abettors thereof might less appear the cause of our Divisions.*

Answer to the Report, p. 6.

P. 7.

P. 25.

P. 25.

Notwithstanding all these Discouragements, they tell us, *That three Papers were drawn up in order to an Accommodation. The first Paper*, they say, *was concerted by one of their Brethren, with some of the Dissenters; but it was unanimously agreed to be laid aside, with a second Paper, that had been brought to them by another Brother; but they appointed six of their Brethren to draw up a* Third Paper, *which they, after several days consideration, unanimously agreed to send in a Letter to the dissenting Brethren*; which is extant in their *Answer to the Report*, p. 10. wherein they declare, *That they come as near to them as they could with Truth and Freedom from ambiguity in points of so great concernment, and in a time, when so many are at work to propagate* Crispianism *and* Antinomianism, *p.* 14. The event of these Papers, as they inform us, was, *That the dissenting Brethren adhered to their own Paper, called the First, and refused theirs, because* (say they, *p.* 25.) *this doth provide some defence against some of the*

P. 13.

Errors which our difference is about. And after all, *p.* 27. they make this offer, *That if the diſſenting Brethren will declare with them in renouncing thoſe* Antinomian *Errors there ſet down, they would ſubſcribe with them to*
P. 29. *ſuch a ſenſe of the doubted Expreſſions, as might give them Satisfaction; and to uſe their very Words and Phraſes explained in the Orthodox ſenſe. Which if they refuſe, it will then appear, that it was not any difference in the Doctrines pretended by the Report, which was the reaſon why they did not unite; but that the differences are kept up from their Zeal for the forenamed Opinions of Dr.* Criſp, *and the* Antinomians, *which they think to be very erroneous.*

Thus I have ſhewed with as clear and convincing Evidence as theſe Papers would afford, what was the true occaſion of the difference, and what it is which keeps it up.

I muſt not now paſs over what you have ſaid for the clearing the diſſenting Brethren from countenancing *Antinomianiſm.* And it is in your Obſervations on the firſt Paper, called *Remarks*, p. 9. where you ſay, that the publiſhing this Paper clears the *Congregational Brethren from Antinomianiſm.* It was very good ſervice to them, if it be found ſo to do. But I think I have ſome reaſons to doubt it.

For, (1.) Why are not the *Antinomian* Errors, which you look on as dangerous, plainly and expreſly condemned in it? You knew very well, that they inſiſted upon this before, and your ſelf carried a Paper to that purpoſe, to which no manner of ſatisfaction was given; but inſtead of it, they went on preaching ſuch Opinions which they accounted horrid, ſcandalous, and deſtructive to their Miniſtery. Either this Accuſation was true or not. If not, thoſe Brethren ought to have been required in common juſtice to make good their Charge, by a ſolemn Meeting on both ſides. But this was never called for; and therefore a ſuſpicion of guilt muſt remain on the Party accuſed, when they refuſe to make their defence before competent Judges, and upon fair notice of the matters they intended to proceed upon. This was ſufficiently intimated in the ſeven Propoſitions, *Jan.* 7. 1694. and more fully expreſſed in the Vote of the united Brethren, *Sep.* 15. 1695. Where they ſet down diſtinctly the Errors they had collected out of their Books, and offered to prove them by Book and Page, when it ſhould be called for. The Author of the *Rebuke* calls them *abominable Doctrines*, p. 25. and ſaith he will give *a little taſt of ſome few of them; and cautions the Readers to implore the ſpecial Grace of God to fortify themſelves with that Antidote, leaſt this little taſt ſhould prove their Bane and Poiſon.* And this *little taſt* amounts to 21. Not one of which is renounced in this *firſt Paper*, which you ſay, *doth clear the Congregational Brethren from Antinomianiſm.* I do think they had great reaſon to inſiſt upon a plain and direct renouncing thoſe Errors, if they believed thoſe Accuſations true; and if they did not, they did very ill to publiſh them. For this muſt fill the World with ſuch Jealouſies of them, as they can never be cleared from, but either by their renouncing the Errors, or the others renouncing the Accuſation. And I am of opinion, that neither the *firſt* nor the *third Paper* can give any reaſonable Satisfaction as to this matter, without a renouncing the *Antinomian* Doctrines. For the Accuſation is now made publick, and the Nation is concerned as to the diſhonour done to Religion by them. But the united Brethren have ſo much more reaſon to inſiſt ſtill upon it, becauſe in that which you call *the healing Paper*, (*Rep.* p. 14. *Remark*, p. 6.) Mr. *W.* is required *to give Satisfaction, not only as to the Doctrine of Juſtification,*

fication, and Change of Perſons, &c. *but about any thing elſe, that any Brother excepts againſt in the reſt of his Writings.* Now this ſeems to me very hard and unequal meaſure, that the one muſt be required to give ſuch a ſatisfaction as is hardly poſſible to be given, to he knows not *whom*, nor in *what manner*; and on the other ſide, when the whole Body of the united Brethren deſire ſatisfaction in Doctrines of ſuch Importance, none in effect is thought fit to be given them. This to me looks like a kind of Inequality and Superiority, which the *diſſenting Brethren* challenge over the *united:* I do not mean in a legal Juriſdiction, but in that which is worſe, which is Will and Pleaſure. And I think thoſe very *eaſy Brethren*, who ſubmitted to the *firſt Paper*, which was after rejected at the Meeting of their Body: But it ſeems although nine of them did it in ſeveral manners, yet the *diſſenting Brethren* gave a very cold and indifferent Approbation of it, not as a foundation of Re-union, but only, *that they are glad to find ſo good an agreement, as that Paper doth expreſs.* Which being penned in ſuch general terms, was juſt none at all; as will appear by the next Reaſon. Which is,

2. That there is no ſuch renouncing the *Antinomian* Errors in it, but thoſe who hold ſome of the groſſeſt of them may comply with them in it.

To make out this, I ſhall inſtance in ſome of thoſe which the united Brethren charge the others with preaching and publiſhing. As,

1. That Pardon is rather the condition of Faith, and much more having a cauſal influence thereunto, than Faith and Repentance are of Pardon.

2. That ſin it ſelf, as oppoſed to guilt, is laid upon Chriſt; and Chriſt was reputed a Criminal, not only by Man but by God.

3. That the Doctrine of Juſtification before Faith is not an Error, but a great and glorious Truth; and therefore we believe, that we may be juſtified declaratively.

4. Union with Chriſt is before Faith, at leaſt Nature, and we partake of the Spirit by vertue of that Union; there is a compleat Union with Chriſt before the Act of Faith.

5. It's a great Truth, that God ſees no Sin in a Believer; and, Sin can do no real hurt to a Believer; God is not diſpleaſed with his People, and is not angry with the Perſons of Believers for their Sins.

6. Believers are as righteous as Chriſt, not in a way of Similitude but Equality.

Theſe are the expreſs Words which are charged by the united Brethren, *Anſw. to the Reply*, p. 12, 13, 14. And I think the Fundamentals of *Antinomianiſm* are contained in them; let us now ſee how far theſe are cleared by *the firſt Paper.*

1. It is ſaid, *That Regeneration, Repentance towards God, Faith in our Lord Jeſus Chriſt, and holy Converſation, are by God's expreſs Word manifeſtly neceſſary to the Salvation of a Sinner*, &c. But this doth by no means reach to the *Antinomian Doctrine*, which is not that theſe are not neceſſary to Salvation, as the Scripture hath declared God's purpoſe to work theſe things in thoſe he deſigns for Salvation; but that theſe are not made any *Conditions* of the new Covenant on our part, in order to our obtaining Juſtification and Salvation.

Dr. *Criſp* doth ſeem to exclude the neceſſity of our Obedience in order to Salvation, when he ſaith, *It is a received Conceit among many Perſons, that our Obedience is the way to Heaven;—— but I muſt tell you, that all* *Criſp's Sermons, p. 46. laſt Edit.*

all this Sanctification of Life is not a jot the way of that juſtified Perſon to Heaven. But we muſt take his whole Senſe together; for he ſaith however, *That Sanctification of Life is an inſeparable Companion with the Juſtification of a Perſon by the free Grace of Chriſt.* And what is an inſeparable Concomitant in a Perſon to be ſaved, is neceſſary by way of Connexion to Salvation. He ſaith indeed, *that Salvation is not the end of any good Work*; but he adds, *that there are other ends of good works: as the manifeſtation of our Obedience and Subjection, the ſetting forth of the praiſe of the glory of God's Grace; the doing good to others, to be profitable to men; which*, he ſaith, *are the ſpecial ends that Obedience is ordained for, Salvation being ſetled firm before.* Here we ſee, that Obedience and good Works are made neceſſary as *Concomitants to Salvation*, but not as neceſſary Conditions in order to it, but for other ends, as Gratitude and Uſe-
P. 152. fulneſs to the World. In another place, he ſaith, *That without reſpect to good or evil, the Lord hath everlaſtingly eſtabliſhed all that ever he meant to do. And there are no intervening Acts or Carriages of yours that make any alteration at all in the Lord, at all to croſs what he hath written, to put in what he hath left out: The Lord doth nothing to his People, upon Conditions in his People, as if he did refer himſelf ſtill to thoſe Conditions, and did ſuſpend what he meant to do to his People, till he did perceive how they would carry themſelves to him.* But what then, are they to do nothing? *Nothing that concerns the Peace, Comfort and Good of his People, that is already firmly eſtabliſhed; nothing with an eye to their own advantage, that being already perfectly compleated to their hands before they do any thing; but ſimply with an eye to glorify God, and to ſerve their Generation.* And to the ſame purpoſe he ſpeaks in other places. In one of the additional
P. 141, 183, 322. P. 35. Sermons, he ſaith, *That God himſelf hath inſeparably joined Salvation and a holy Life, and hath promiſed the one as well as the other.* So that Dr. *Criſp* himſelf could have ſubſcribed your third Paper in the Words you have drawn up; *and have been glad*, as others were, *that you were ſo far agreed.*

But wherein then lies the difference? Dr. *Criſp* utterly denies, that in the new Covenant there are any Conditions on our part. *Mark what I ſay*,
P. 81, 186. 255, 433. P. 83. ſaith he, *I ſay the new Covenant is without any Condition whatſoever on Man's part.* And this he goes about to prove, and after ſaith, *that in way of Condition of the Covenant ye muſt do nothing.* But he objects, Con-
P. 81. ditions or no Conditions, ſomething muſt be done: *It is true*, ſaith he, *by way of conſequence, that after we are in Covenant with God, he will beſtow theſe things upon us, as Fruits and Effects of that Covenant; but it is not true, by way of Antecedence, that God doth require theſe things at our hands before we ſhall be Partakers of the Covenant.* Again he objects, If all lies on God's part, and Man muſt do nothing, then all his Life-time he may do what he liſt. He anſwers, *You muſt make a difference between doing any thing in reference to the Covenant, as the Condition thereof; and in doing ſomething in reference to Service and Duty to that God, who freely enters into Covenant with you. I ſay only that in way of Condition of the Covenant you muſt do nothing.* But is there no obligation on Man's part to perform ſome Conditions as to the benefits of the Covenant? No;
P. 82. he ſaith expreſly, *That the whole performance of the Covenant lies only upon God himſelf, and that there is not one Bond or Obligation on Man to the fulfilling of the Covenant, or partaking in the benefits of the Covenant.* This ſeems to be ſtrange Doctrine; but he goes farther, and denies *even Faith it ſelf to be the Condition of the Covenant.* He objects that it is ſaid,

That

That he that believes ſhall be ſaved, and he that believes not ſhall be damned. But he anſwers, *That there is no Perſon ſhall be ſaved, till he have believed. This I grant; yet this will not make Faith the Condition of the Covenant; for then the Covenant would depend upon a Work; for our act of believing is a Work.* And in another place he ſaith, *That it is a bringing back a Covenant of Works to Believers, to ſay, that it ſhall fare well or ill with them, as they can obey, or as they do diſobey the Lord God.* Here we ſee that he makes Conditions on our part to be no leſs than making void the Covenant of Grace, and ſetting up the Covenant of Works. P. 84. P. 153.

And is this part of Dr. *Criſp*'s Doctrine diſowned or renounc'd by thoſe who are called *diſſenting Brethren*? So far from it, that one of them hath ſet himſelf to defend it: and he lays down this Aſſertion, *That neither Faith, nor any other gracious Qualifications are federal Conditions, or Conditions of the Covenant of Grace.* And this Man's name is among the Subſcribers of the *firſt Paper*, by which we may judge how it was underſtood by them. The force of all his Reaſons, ſuch as they are, is built on this Suppoſition, *That all federal Conditions are meritorious, and make the reward of Debt, and not of Grace; and then there is no difference between a Covenant of Works and of Grace.* From hence he ſaith, *That Chriſt is the ſole Condition of the Covenant of Grace; and that it's impoſſible any thing elſe ſhould be the Condition of it.* *Neonom.* Part 3. p. 135. P. 138.

But by *Condition* he means *the Foundation*; for, ſaith he, *nothing elſe can reconcile us to God in bearing the Sin and Curſe.* But this is far enough from being the true ſtate of the queſtion; which doth not relate to the fundamental condition of the Covenant of Grace it ſelf; but to the manner of the Communication of the benefits of it to us. And one would think it were eaſy for Men to conſider the difference between a condition of Purchaſe, and a condition of Poſſeſſion, the Purchaſe being paid. Will any Man ſay, that there can be no condition of Poſſeſſion, but it muſt have the price of the Purchaſe in it? The ſole queſtion in this caſe, is not, whether by any conditions on our part, we can merit pardon of Sin, or eternal Life, or increaſe of Grace; for we utterly renounce all ſuch Doctrines as are repugnant to the deſign and grace of the Goſpel; but whether Chriſt, who alone hath purchaſed Redemption for us, hath not required ſome conditions on our parts to fit us for the Participation of the benefits of this Redemption? And the Covenant of Grace being founded in the Satisfaction of Chriſt, the conditions on our part can be no other than conditions *of Intereſt, Reception, or Participation of the ſaid Covenant.* But even theſe are denied by Dr. *Criſp*; for he will not allow ſo much as fitneſs on our ſide; as appears by theſe remarkable Words of his: *Chriſt looks not for fitneſs, but People may be capable of Communion with him without fitneſs; he takes them into Communion with himſelf, and afterwards fits them for ſuch Communion as he would have them, but before-hand there is no fitneſs; ſuppoſe what fitneſs you will in expecting of the Grant, I ſay, in expecting the Grant of Chriſt, fitneſs or not fitneſs is all one.* Serm. p. 208.

But do not all Conditions ſuppoſe the reward to be of Debt upon the performance of them, and conſequently imply ſomething of *merit of Congruity*, although there be no *Condignity* in them?

I anſwer, that where there is any *true Merit*, which makes the *Reward of Debt*, there is, as St. *Paul* ſaith, a foundation of *Boaſting*; i. e. a right to challenge the reward as due on the account of the performance. But where

where only a *Fitneſs* is required; and that *Fitneſs* depending upon divine Aſſiſtance, and the Reward infinitely beyond the Performance, there is not the leaſt colour for Merit, or for any ground of Boaſting.

Chap. II.

The Myſtery of Antinomianiſm *laid open.*

BUT concerning this whole matter, it may be ſaid, *That as long as both Parties are agreed, that there is a neceſſary Connexion between Holineſs and Happineſs; and that there are relative Conditions on our parts required, although not federal; all the reſt ſeems to be a diſpute about Words, and ſo any reaſonable terms of Accommodation ought to be accepted.*

To which I anſwer, That if there had been no more in the Controverſy than what is contained in thoſe Terms, it might have been fairly and eaſily accommodated; but I am of Opinion, that there is a greater Myſtery in *Antinomianiſm* than this, which ought to be laid open to prevent the Miſchief of it. For all this Diſpute about Conditions on our part depends upon another, and if that hold, this muſt follow as the conſequence of it, and ſeveral other things which Dr. *Criſp* ſaw very well had a neceſſary Connexion with each other; and like a fair dealer in Controverſy, owned them all.

I come therefore to the next thing in the *firſt Paper*, which you ſay, *clears the diſſenting Brethren from the charge of* Antinomianiſm. Your Words are, *That touching a Change of Perſons between Chriſt and Believers, there is no phyſical Change, whereby Chriſt and Believers do in ſubſtance become one another; nor a moral Change, whereby Chriſt ſhould become inherently ſinful, and Believers thereby become immediately innocent and ſinleſs; but the Change is only in a legal ſenſe: Chriſt, by conſent between the Father and him, putting on the Perſon, and coming into the room and ſtead of Sinners.* Now I ſhall make it appear, that you have not herein diſowned Dr. *Criſp's Senſe of the Change of Perſons*, from whence his other Doctrines follow.

Report, p. 13. Rem. p. 11.

To make this out, I ſhall prove, that Dr. *Criſp* did not aſſert ſuch a Change, from whence it followed *that Chriſt was inherently ſinful.*

In his firſt *Sermon*, p. 10. he hath theſe Words, *In one word, Beloved, miſtake me not; I am far from thinking any Believer is freed from Acts of Sin*, (i. e. from having been *an actual Tranſgreſſor*) *but he is freed only from the charge of Sin. All his Sins are charged upon Chriſt, he being Sin for him; yet Chriſt is not an actual Sinner, but Chriſt is all the Sinners in the World by Imputation.* By *Imputation* he means *a real Tranſaction*, as will appear afterwards. Again, *p.* 267. *Beloved, miſtake me not, I ſay not that ever Chriſt was or could be the Actor or Committer of any Tranſgreſſion, for he never committed any Sin himſelf. Not that he was the Actor of any Tranſgreſſion.* And more fully, *p.* 283. *I ſay here is a real Act, God doth really paſs over Sin upon him, ſtill keeping this faſt, that Chriſt acted no Sin; ſo that in reſpect of the Act, not one Sin of the Believer is Chriſt's, but in reſpect of Tranſgreſſion. In reſpect of Conveyance, in reſpect of paſſing Accounts from one Head to another, in reſpect of that, there is a*

P. 268.

re-

reality of making of Christ to be Sin. So that when you deny Christ to have been *inherently sinful*, you say no more than Dr. *Crisp* himself hath done; for he could not be *inherently sinful*, unless he were an *actual Sinner.* But we must observe, that although he denies this, yet he affirms, *That Christ was as really the Transgressor, as the Person that did commit the Sin; or as if himself had actually committed Transgression.* Now I would fain know, why those Words, *inherently sinful* were put in, instead of being *as really a Transgressor*; unless it were to do Dr. *C.* and his Friends a kindness. For when in your Appeal you disown the Principles of *Antinomianism*, p. 8. you say, *That you reject the Opinion of those who hold, That upon transferring the Guilt of our Sins upon Christ, he is to be esteemed the Person that committed all the Sins of those for whom he died; or that the turpitude and filth of our Sins was transferred upon him, which is a Notion equally false, blasphemous and impossible.* This is as much as can be expected, supposing that you mean, that he was neither the *actual Transgressor*, which Dr. *C. denies*; nor that he had the personal Guilt of our sins upon him, which Dr. *C.* did *assert*, and built his whole *Hypothesis* upon it, as I shall now make it plain.

This seems to be a *great Mystery*, but it is really the foundation of *Antinomianism*, viz. *That Christ had the personal guilt of our Transgressions charged upon him, and so he was as sinful as we; and that by his discharge of it, the guilt of their sins is removed from them, and so no longer chargeable upon them; and by their Change of Person with Christ, they become as compleatly righteous as he.* Dr. *Crisp* himself calls it a *Mystery*, and well he might. *Beloved*, saith he, *here is a strange Mystery; the World will not receive it, unless they receive this Principle we are now upon, namely, That the Iniquity it self of his People is laid upon the Back of Christ.* P. 269. *By Iniquity it self*, he saith, *he means the fault of the Transgression it self.* P. 270. *If thou hast part in the Lord Christ, all these Transgressions of thine become actually the Transgressions of Christ, and so cease to be thine, and thou ceasest to be a Transgressor from that time they were laid upon Christ, to the last hour of thy Life.* Ib. *So that now thou art not an Idolater*, &c. *Reckon what sin soever you commit, when as you have part in Christ, you are all that Christ was, Christ is all that you were. ——Mark it well; Christ himself is not so compleatly righteous, but we are as righteous as he was; nor we so compleatly sinful, but Christ became, being made sin, as compleatly sinful as we: nay more, the righteousness that Christ hath with the Father, we are the same righteousness, for we are made the righteousness of God; that very sinfulness that we were, Christ is made that very sinfulness before God. So that here is a direct change; Christ takes our person and condition, and stands in our stead; we take Christ's person and condition, and stand in his stead.* These are his own Words, and contain in them the very foundation of *Antinomianism.*

But my business at present is about the transferring our very faults upon Christ, which he calls *the guilt of the fact*, and not the mere *guilt of Punishment. Many Men*, saith he, *p.* 266. *are ready to think, that the guilt (such as they call guilt) and the punishment of sin lay upon Christ indeed, but simply the very faults that Men commit, that is, that the Transgression it self is become the Transgression of Christ is somewhat harsh.* Yes indeed it is, and more than *somewhat.* But let us see how he proves it; and he undertakes to do it by *Scripture* and *Reason.* But the mischief of it is, that in the one he argues like a *Papist*, and in the other like a *Socinian.*

First,

First, he ſaith, *he will endeavour to clear it by manifeſt Scripture, that ſimply, without any Equivocation, ſimply, I ſay, Iniquity it ſelf not in any figure, but plainly ſin it ſelf was laid upon Chriſt.*

Some have been ready to conceive, that Iniquity in the Text is ſpoken figuratively; Iniquity, that is, the puniſhment of Iniquity was laid upon him. Juſt as the Proteſtants, when they are told; *This is my Body* is in the Text, ſay, it is to be figuratively underſtood. *But ſee*, ſaith he, *how careful the Spirit of God is, to take away all ſuſpicion of figure in the Text; there is Iniquity, Tranſgreſſion, and Sin. And it is ſtrange, that all thoſe three Expreſſions ſhould ſtill be underſtood of puniſhment, and not ſimply of ſin it ſelf without any figure.* Not one jot ſtranger, than that *This is my Body* ſhould be figuratively underſtood, when the literal ſenſe is neither agreeable to Scripture nor Reaſon.

For the Objection about guilt, that the Lord lays the guilt and puniſhment, and not ſimply the ſin it ſelf for ought that I can ſee, ſaith he, *it is a ſimple Objection.* So do the Papiſts ſay, as to our Objections againſt Tranſubſtantiation, that they are *ſimple Objections* taken from carnal reaſon; but we ought to ſubmit to the plain Letter of Scripture.

But how is this *ſimple Objection* anſwer'd?

(1.) *That the Scripture doth not mention the guilt of ſin as diſtinct from ſin it ſelf, and Chriſt is never ſaid to bear the guilt of ſin, but to bear ſin.*

And is this a wiſe Anſwer to the *ſimple Objection?* When every one that is converſant in the Idiom of Scripture, knows that the ſame word is often uſed for the ſin and the puniſhment of it; and the beſt Interpreters cannot tell ſometimes which to render the original Word by. Why then may not Chriſt be ſaid to bear our *Sins*, when he bears the *Puniſhment* of them? *But Puniſhment is not Guilt.* But it is ſuch a Conſequence of *Guilt*, that therefore one is often taken for the other. *But to ſay, that he had the Guilt laid upon him, and not the Sin, is to contradict Scripture.* How can that be, if *the Puniſhment and the Sin* be of the ſame importance, when *Chriſt is ſaid to bear Sin? But the Puniſhment muſt then have relation to the Sin as in the ſame Perſon.*

To anſwer this diſtinctly and clearly, I ſay, that there are three ways *our Sins* may be ſaid to have a relation to Chriſt's Sufferings, as a *Puniſhment* for them.

(1.) As a mere *external impulſive Cauſe*, which being conſidered alone, amounts to no more than an occaſional Cauſe, and gives no proper Reaſon for Puniſhment; and ſo far the *Socinians* will go.

(2.) As this *impulſive Cauſe* becomes *meritorious* by the voluntary Act of Chriſt's undertaking to ſatisfy Divine Juſtice for our Sins, by making himſelf a Sacrifice of Atonement for them. But ſtill they are conſidered *as our Sins*, and not as his own, any farther, than that by his conſent he took upon himſelf to bear that guilt which relates to Puniſhment, and ſo they come to be juſtly charged upon him.

(3.) As the *perſonal Guilt of our Sins* is ſaid by Dr. *Criſp* to be tranſferred on Chriſt; *the fault of our Tranſgreſſions themſelves*, ſaith he, *is*
P. 170. *ſaid to be upon him; ſo that in reſpect of the reality of being a Tranſgreſſor, Chriſt is as really the Tranſgreſſor, as the Perſon that did commit the ſin*
P. 267. *was a Tranſgreſſor before Chriſt took the Tranſgreſſion upon him.* Theſe are his own Words, and leaſt any ſhould miſtake him in a point of ſuch conſequence, he repeats them; *And this act of God's laying them upon him makes Chriſt as really a Tranſgreſſor, as if he himſelf had actually commit-*
P. 281. *ted Tranſgreſſion.* And again, *Chriſt by this Tranſaction, and laying on of*

ſin,

ſin, doth now become or did become when they were laid, as really and truly the Perſon that had all theſe ſins, as thoſe Men who did commit them really and truly had them themſelves. In another place, *The Lord hath laid this Iniquity upon him, he makes a real Tranſaction, Chriſt ſtands as very a Sinner in God's eyes, as the Reprobate, though not as the Actor of theſe Tranſgreſſions; yet as he was the Surety, the Debt became as really his, as it was the Principals before it became the Sureties.* P. 358.

But do not theſe Words explain the reſt, and that he doth not ſpeak of ſin as a phyſical act; for he denies Chriſt to have been an actual Tranſgreſſor; but only in a moral ſenſe, that he did bear our Sins by Imputation.

To this I anſwer, (1.) That he utterly denies the ſenſe of *Imputation*, as it is oppoſed to a real Tranſaction; and ſaith, it ſuppoſes a miſtake in God to eſteem of things otherwiſe than really they are; and that there is not one Paſſage of Scripture, which ſpeaks of imputing our ſins to Chriſt. But if the word be allowed, he ſaith, *it hath reference to the truth and reality of the thing*; *as* Lev. 17. 4. 1 Sam. 22. 15. Beſides, he ſaith, *That God hath no other Thoughts of things than as they are, he himſelf doth either make or diſpoſe of things. So doth he eſteem and think of things, and conſequently of ſin. If he ſay, he doth lay or hath laid Iniquity upon Chriſt, and that he hath diſcharged the Believer from all Iniquity, certainly God doth ſuppoſe and eſteem things to be thus as he hath diſpoſed of them.* P. 280, 281, 286. P. 281.

(2.) He doth aſſert ſuch a laying Iniquity upon Chriſt, from whence the immediate Diſcharge follows as to the actual Sinner, who hath any ſhare in him. So that the Tranſlation is ſuch, as from that time no actual Tranſgreſſion lies upon him; and he ceaſes to be a Tranſgreſſor, and his Sins are no longer his but Chriſt's, as appears from his Words. His meaning then is, that there is ſuch a real Tranſlation of the guilt of ſin upon Chriſt, that no kind of guilt doth from thenceforward remain as to the actual Tranſgreſſor. And ſo there can be no Remiſſion of Sins, nor Juſtification afterwards; no condition in order to Pardon; no charging Sin upon Believers; no true Faith, but believing that their Sins are already forgiven, *&c.* And if theſe things do not ſubvert the whole Order and Deſign of the Goſpel, it is hard to contrive a Scheme of Doctrines which doth it, and yet retain the Profeſſion of it. But theſe are Dr. *Criſp*'s words in another place; *All the Weight, all the Burden, all the very Sin it ſelf is laid upon Chriſt; and that laying of it upon him, is a full diſcharge and general releaſe and acquittance unto thee, that there is not any one Sin now to be charged upon thee.* So that a full diſcharge is the immediate conſequence of laying our ſins upon Chriſt. P. 298.

(2.) He anſwers about *Guilt*, *That it is not an Obligation to Puniſhment, but that it relates to the Fact; as when a Malefactor pleads guilty or not guilty; the meaning is, whether the Fact was done by him or not. And therefore to ſay the Guilt is laid upon Chriſt, but not the Sin, is to ſay the Sin is laid upon Chriſt, and Sin is not laid upon Chriſt, which is a contradiction.* P. 272.

In anſwer to this, it will be neceſſary to clear this matter about *Guilt*; for a great deal depends upon it, both as to the *Antinomian* and *Socinian* Controverſies.

In every Act of Sin there is a twofold *Guilt* to be conſidered.

1. *The Guilt of the Fact*, as it is a Tranſgreſſion of the Law.

2. *A Guilt conſequent upon the Fact*, by virtue of the Sanction of the Law. For although the Deſert of Puniſhment naturally follows the Fact; yet the Obligation to it comes not from the Sinners Act, but from the

will of the Law-giver, who by the Law binds the Sinner to Puniſhment: So that this ſort of Guilt depends upon the Law, as the other did upon the Fact.

Now it is of great conſequence for us to conſider, how far Guilt is ſeparable from the Act of Sin; and ſo whether it be poſſible for the actual Guilt of the Fact to be transferred from the Tranſgreſſor; and if it be not, there is no more ground for Dr. *C*'s *Hypotheſis*, than for *Tranſubſtantiation*. For both have the words of Scripture, as they ſuppoſe; and if one be no more poſſible than the other, we ſhall find as little reaſon to embrace one as the other.

As to the Act of Sin, theſe things are inſeparable from it.

1. The *Guilt of the Fact*. For he that hath been an actual Tranſgreſſor, can never be made not to have been ſo: For what is paſt, can never be made by any power whatſoever not to have been; and ſo the Guilt of the fact muſt remain upon the Perſon that committed it. It may be ſaid, *That this holds only as to the phyſical Act, and not as to the moral Obliquity of it*. But the committing of the fact with the moral circumſtances of it, was a *perſonal Act*; and how then can one be transferred more than the other? Beſides, when the Obliquity of the fact lies in a mere Privation of that Rectitude, which ought to have been in it, how can that which is no real thing in it ſelf, be transferred to another?

P. 270. But Dr. *Criſp* ſaith, *A Believer ceaſeth to be a Tranſgreſſor from that time his ſins were laid upon Chriſt to the laſt hour of his life. So that now thou art not an Idolater*, &c. *thou art not a ſinful Perſon*, &c. It's poſſible for ſuch a one to ceaſe committing his ſin, or to have his ſins forgiven him; but how it is poſſible for a fact already paſt not to continue as a fact paſt, is a thing I cannot underſtand. But he ſtill conſiders Sins as Debts, that when they are once paid, are no longer Debts. But there is a great difference between the guilt of a fact, and the contracting of a Debt; for a Debt conſiſting in a thing real, whoſe property may be alter'd and transferred from one to another, it is eaſy to apprehend how that may ceaſe by being paid; but in criminal matters nothing is capable of being transferred, but the Puniſhment, which is a thing real; but the Obliquity and Guilt of the fact is a privative and perſonal thing.

2. *The deſert of Puniſhment*, which follows the actual Tranſgreſſion, cannot be ſeparated from it. For let what Grace or Favour ſoever be ſhewed, the Deſert of Puniſhment remains ſtill; or elſe there would be no ſuch Grace and Favour, if that could be taken away. But this Deſert follows inherent Guilt; for no Sinner can deſerve that one that was not a Sinner ſhould ſuffer for his faults. Nor can the Law or Act of any perſon transfer the deſert of Puniſhment from him that was the actual Tranſgreſſor.

3. *The Turpitude*, as to the Act of Sin, cannot be removed from it. For where-ever the Act of Sin is, it muſt be diſpleaſing to God; but the Turpitude, as it affects the Perſon of the Sinner, muſt have another conſideration. For God may ſee cauſe to forgive the Sinner, and receive him into his Favour, although he ſtill continues to hate and abhor the ſin.

As to the *Guilt of Sin*, as it relates to the *Puniſhment*, theſe things are to be conſidered.

1. That although divine Juſtice requires Satisfaction for Sin, yet it is not neceſſary that the actual Tranſgreſſors ſhould undergo that Puniſhment, which they have deſerved by their Sins. For then there would be no room for Grace and Favour to them.

2. That

2. That it is consistent with the Justice and Wisdom of God to accept of a Mediator, to interpose between the Severity of the Law, and the Punishment of Transgressors, upon terms agreeable to the Divine Wisdom and Mercy.

3. That such a Mediator, undertaking to make an Atonement for our Sins, by suffering in our place and stead, may truly and properly be said to undergo the Punishment of our Sins, and our Sins to be the *meritorious Cause* of it. *But if Desert adhere to the Personal Guilt, how can our Sins be the meritorious Cause of another's Punishment?* I answer, that a *meritorious Cause* may be considered two ways.

1. In the Natural Course of things; and so *Desert* follows the Fact; so that the Sinner always deserves to be punished; and no interposition by another Person can take away this Original Desert of Punishment: For although our Sins be forgiven, yet we still deserve to suffer for them; which we should not do, if *Desert* in this sense could be transferred.

2. As *Desert* implies only a just reason of Punishment; and so there may be a *meritorious Cause* in extraordinary Cases, when the Legislator consents that another shall undergo the Punishment, which others have deserved. *Immeritò quenquam punire est injustè punire*; as I have elsewhere observed out of *Crellius*: And *Immerito* in the *Greek Glosses* is render'd Ἀλόγως, and *Merito* by Εἰκότως and Εὐλόγως, and in *Cicero*, *jure & merito* are most commonly joined together. Dis. 1. *of Satisfaction*, p. 145.

These things I only mention at present; and as occasion offers, I shall discourse more of them afterwards.

I come now to consider Dr. *C's* Arguments from Reason, *that Christ must bear Iniquity it self.*

(1.) *It had been otherwise the extremest Injustice in the World for God to wound and bruise him*, page 273. *For vindictive Justice doth imply and signify some Fault committed. That God therefore might be just in punishing Christ, and do no more upon Christ than what was deserved; he must first have the Iniquity laid upon him, that is, the merit of that bruising, that there might be upon him the desert of that bruising he did sustain*, p. 274. And again, *p.* 283. *There must of necessity be a present Desert upon a person, before the Judge can inflict any thing upon the person. A Fault must be found upon a Man, before he may be executed legally and justly. Therefore the Fault must be found really upon Christ himself, before there can be an Act of God's Justice in wounding Christ.*

This is just the *Socinian* way of arguing. Christ could not suffer the Punishment of our Sins, because he was perfectly innocent, and therefore could not deserve to be punished; but Punishment without Desert is unjust. The *Antinomians* we see join with the *Socinians* in the main Principle, *That unless there be personal Guilt, the Punishment of Christ would be unjust.* But then they give a wonderful Advantage to the *Socinians*; because they put the main of the Cause upon an Issue which can never be defended, *viz.* that our personal Guilt, and the Desert of Punishment was transferred upon Christ. For let any Man consider with himself, whether he can think it possible for those Circumstances of Fact to be transferred to another, which inseparably follow and adhere to the Person who committed the Fact. Suppose Dr. *Crisp's* own Case: A Malefactor is accused of a Crime, to which he is to plead Guilty or not Guilty; suppose it be Murder, or Adultery, can he that really did commit the Fact, ever truly plead that he did not commit it? It may be said,

As to Men he could not, but as to God he might; becauſe Chriſt taking his actual Tranſgreſſions upon him, the Sin is no longer his but Chriſt's. So that as to the *juſt and righteous Judgment of Men*, he continues ſtill guilty of the Fact, but not as to *God's*. But if Mens Judgments be *true and righteous*, then he muſt remain really guilty; and if God always doth judge according to Right, he muſt be ſo in God's Judgment too; or elſe a Man may be truly guilty before Men, and not guilty before God, as to the ſame Fact. I do not mean that a Man may not be juſtly found guilty before Men, whoſe Sins may be forgiven by the mercy of God; for that relates to the Guilt of Puniſhment, which God may remit as to his Tribunal, and yet the Perſon may juſtly ſuffer by humane Laws: But if the Guilt of the Fact were taken away by God's Remiſſion, then there would be no Foundation left for the Laws of Men to proceed upon. But if it be granted, that God doth judge him guilty of the Fact, then that Guilt muſt remain upon him; and ſo he cannot ceaſe to be an actual Tranſgreſſor in that Fact which the Law doth juſtly charge upon him. And if the Guilt of the Fact ſtill remains upon him, then it cannot be transferred to another; for two diſtinct Perſons, who did not join in the Fact, cannot be guilty of the ſame Fact, eſpecially ſo as he that committed it ſhall be free, and he that did not ſhall be charged with it. Theſe things are ſo agreeable to the natural ſenſe of Mens Minds, that if they did allow themſelves the liberty of thinking, they could be in no doubt concerning them.

And as it is as to the Guilt of the Fact it ſelf, ſo it is as to the natural deſert of Puniſhment, which follows from it. No Man hath committed a Fault, which the Law hath appointed a Puniſhment to, but he deſerves to be puniſhed for the violation of it. And although it be poſſible for him to be pardoned, yet the deſert of Puniſhment muſt ſtill remain upon him; becauſe that reſults from his actual violation of the Law, which cannot be unacted. But cannot this Deſert be transferred to another? No more than the Fact it ſelf. And Puniſhment taken in its moſt ſtrict and proper ſenſe, muſt follow perſonal Guilt, and that Deſert which ariſes from the actual Tranſgreſſion.

But do we not by this means take away the proper Puniſhment of Chriſt for our Sins, and ſo overthrow the Doctrine of Satisfaction? By no means. For I take away nothing but the Puniſhment which follows *Perſonal Guilt*; and if this be not taken away, the *Antinomian* ſenſe muſt be allowed; and Chriſt muſt be charged with the *actual Guilt* of our Sins. But if this be, as you confeſs, *Falſe, Blaſphemous, and Impoſſible*, then another Notion of Puniſhment muſt be pitched upon, which may agree to the Sufferings of Chriſt in our ſtead; and ſuch a one is that of the Suffering of Chriſt as our Mediator, by the Father's Appointment, and his own Conſent, which takes off all Appearance of Injuſtice in it: Since there is a concurrence of the Will of the Supreme Legiſlator, the free conſent of him who had the only cauſe to complain, and all this done to promote the wiſeſt and beſt Deſign for the good of Mankind.

But before I proceed farther, it will be neceſſary here to take notice of an Expreſſion of yours in your *Appeal*, which may be of uſe afterwards. Your words are, *page 55. Miſtake me not, I don't believe that the Perſonal Guilt of our Sins, or that their Filth and Turpitude were transferred upon Chriſt: Nothing more abhorred by me than ſuch abominable Blaſphemies.* By this one would think you were the fartheſt from the *Antinomian* Doctrine of any one. But then it follows; *However I am per-*

perſwaded—— that the Lord Jeſus Chriſt voluntarily, on the Father's Invitation, coming under the Sanction of the violated Law, was juſtly charged with the Guilt of our Sins, found guilty, condemned, ſentenced, and executed as ſuch, even by that God who laid on him the Iniquity of us all. Now if I do not miſunderſtand both Dr. *Criſp* and you, you ſay as much in Conſequence as he doth in theſe latter words, and therefore you cannot diſown the transferring our perſonal Guilt upon Chriſt. For, I pray conſider the force of Dr. *Criſp*'s Reaſoning: *If the Fault be not found upon Chriſt he could not be juſtly puniſhed*; and you ſay, *that he was juſtly charged with the Guilt of our Sins, and therefore was juſtly puniſhed.* But what *Guilt* was this, which was thus charged upon Chriſt? *The Guilt of our Sins*, you ſay, *but not the Perſonal Guilt.* What Guilt was it then? Not the meer Puniſhment; for we are now enquiring what that Guilt was which made the Puniſhment juſt; and there muſt be a *Transferring of Guilt* before to make the Proceedings juſt. Now what Guilt could that be, but the *Perſonal Guilt of our Sins*, as Dr. *Criſp* aſſerted, and you denied? And this appears more by your following words, *p.* 56. *And ſeeing Chriſt's Sufferings were a Judicial Act of God, it could not be otherwiſe; for Juſtice condemns none to Puniſhment, but upon the account of Sin; and puniſheth none, but under the notion of Criminals: If Jeſus Chriſt had been only treated as if he had been a Criminal, and died not as a Criminal* in foro Poli, *his Sufferings could not have been a proper Puniſhment flowing from that punitive Juſtice which is natural to God.* And wherein is this different from what Dr. *Criſp* had ſaid? For if Chriſt were a *real Criminal in God's Eſteem and Judgment*, then he was an *actual Tranſgreſſor*, and had the Guilt of our Faults upon him; for he had none of his own. And what Guilt could make him to die as a Criminal *in foro Poli* (as you call it) but the *Guilt of our Facts*, with the *Deſert and Turpitude* which followed them? For nothing could make him ſuffer as a real Criminal but *actual Guilt*; and having none of his own, ours muſt be transferred upon him in your opinion; and yet *you deny that he had the Perſonal Guilt of our Sins.* How can you make theſe things to conſiſt? You muſt aſſign ſomething that is not *Perſonal Guilt* which can make a *real Criminal*; which I think is very hard to do. We ſay, that Chriſt did really ſuffer on the account of our Sins, and that Juſtice was ſatisfied by his Sufferings; and that he took upon him the Guilt of our Tranſgreſſions, by undergoing the Puniſhment for them, as our Sacrifice of Atonement; and that this was a real Puniſhment as to him, but made *Juſt* by the Father's Will, and his own voluntary undertaking. But to ſay, that he ſuffered as a *real Criminal, and was ſo puniſhed by God*, is, I think, impoſſible to be underſtood, unleſs Dr. *Criſp*'s ſenſe of the Tranſlation of *Perſonal Guilt* be allowed, which you profeſs to abhor as *falſe and blaſphemous.*

(2.) Dr. *Criſp*'s ſecond Reaſon is, *That without this Tranſlation of our Perſonal Guilt, no Advantage could come to us by Chriſt's Sufferings*, pag. 272. For what Reaſon? *Becauſe a Man ſuffers only for his own Fault, unleſs the Fault of another be laid upon him.* Here is no Queſtion, but our Iniquities were laid upon Chriſt, and that he ſuffered in our ſtead; but the Diſpute is about the Manner how they were laid upon him; whether our very Tranſgreſſions themſelves were ſo laid upon him? And how doth it appear that we can have no benefit by Chriſt's Sufferings, unleſs that were done which was impoſſible to be done? But he makes it good by a *Suretyſhip for Debt: For* (ſaith he) *the bare Impri-* P. 274.
ſonment of another Man doth not releaſe the Debtor in Priſon, unleſs he be

Surety

Surety for him. Very true. So we ſay that Chriſt's Sufferings had not availed us, unleſs he had been our Mediator, and appeared in our ſtead. But how doth it appear, that we cannot receive the benefits of Chriſt's Mediatorſhip, unleſs our Perſonal Guilt were transferred upon him? Are not the Divine Appointment, the Deſign of Chriſt, and the Promiſes of the Goſpel ſufficient for that purpoſe?

And this is his great Argument on all Occaſions, *That our Sins are Debts, and they are reckon'd to Chriſt as our Surety, and he hath fully diſcharged them, and therefore they cannot juſtly be charged upon us.* This runs thro' all Dr. *Criſp*'s Diſcourſes, and he manages it with all advantage to his Cauſe, and therefore muſt be more conſidered.

In his *firſt Sermon*, p. 8. he ſaith, *That although a Believer doth ſin, he is not to be reckon'd a Sinner; for his Sins are reckon'd to be taken away from him. A Man borrows a hundred pound, ſome man will ſay, doth not he owe this hundred pound, ſeeing he borrowed it? I ſay no, in caſe another hath paid the hundred pound for him. A man doth ſin againſt God, God reckons not this Sin to be his, he reckons it Chriſt's, therefore he cannot reckon it his. If the Lord did lay the Iniquity of Men upon Chriſt, then how can he lay it upon their Perſons? Thou haſt ſinned, Chriſt takes it off; ſuppoſing, I ſay, thou haſt receiv'd Chriſt. And as God doth reckon Sin to Chriſt, and charges Sin upon him; ſo if thou be of the ſame mind with God, thou muſt alſo reckon this Sin of thine upon Chriſt; his back hath born it, he hath carried it away.*

And, *p.* 283. *When one man becomes a Debtor in another man's room legally and by conſent, this Surety that doth become the Debtor, he is not barely ſuppoſed to be the Debtor; but by undertaking of it, and legally having it paſt upon him, he is as really and truly the Debtor, as he was that was the Principal before; I ſay as truly and really the Debtor: So that there is an abſolute truth and reality of God's Act in paſſing over Sins upon Chriſt, and laying them upon Chriſt.*

Again, *p.* 289. *There is therefore a certain tranſacting of Sin upon Chriſt, ſo real, that indeed the Believer, though an Actor of Tranſgreſſion, is as truly and abſolutely diſcharged of his Sins, as if he himſelf had not committed them; I ſay, ſo diſcharged as if he had not committed them. As a Debtor, when a Surety hath taken the Debt upon him, and the Debtor receives an Acquittance and Diſcharge, he is as free of the Debt now, as if he had never run into that Debt; ſo I ſay it is with a Believer, Chriſt being made a Surety of a better Teſtament, and thereby becoming truly and really the Debtor inſtead of Believers, he ſo bears all the Debt himſelf, that they are altogether releaſed, and diſcharged, and freed, as if they had never been in Debt.*

I need not to produce any more places to this purpoſe, although it were eaſy to do it; for in this *Similitude* lies the main ſtrength and ſupport of his Cauſe.

But to ſhew how little force there is in it, we need only theſe Conſiderations.

(1.) That there is no ſufficient Foundation in Scripture, for our Sins being thus transferred to Chriſt as our Debts, and his undertaking as our Surety to pay them. If one reads Dr. *Criſp*'s Sermons, one would conclude, that there is nothing plainer, nor more frequently inculcated in Scripture than this: For he ſeems to lay the Foundation of all upon it, as though there were no other true way of underſtanding the Doctrine of *Chriſt's Satisfaction* but by it. The Title of one of his *Sermons*,

Vol.

Vol. ii. Serm. 3. 'is, *Christ the great Paymaster of all the Debts of his People*; and he grounds it on that Text, *Isa.* 53. *v.* 6. *The Lord hath laid on him the Iniquity of us all.* Now, saith he, *p.* 263. *as in Suretyship, our Debt becoming our Surety's, the Execution goes justly out against him; and so God can give a just Account of wounding him*, &c. Here it is taken for granted, *that Christ is made Surety for all our Sins as Debts*, without the least ground in the Text for it, which wholly relates to Punishment. For the Words properly signify, *That he made our Iniquities to meet, or to fall upon him*; as a Man falls upon his Enemy when he meets him. So the *Jewish* Interpreters understand the Word; and to the same purpose *Symmachus* renders it; the LXX. *God gave him up to our Sins*; which *Procopius* expresses by ὥσπερ ἀντίψυχον ὑπὲρ ἡμῶν, *as one that suffered in our stead.* St. *Jerom*, *Tradidit eum pro peccatis nostris*; or as he translates the LXX. *Dominus tradidit eum propter iniquitates nostras.* Here is nothing like *Christ's Suretyship to pay our Debts for us*; and yet, as if it had been the necessary sense of the words, a great many Doctrines and Inferences are drawn from it; as of wonderful Consequence for right understanding what Christ had done for us. God forbid that we should go about to lessen any thing of the Design of Christ's suffering for us, on which our Salvation so much depends. But the present Question only relates to the Manner of his doing it, whether as a Surety for our Debts or no. Some will say, *What harm is there in this, since it is an easie Similitude, which People may apprehend without Trouble?* But it may be not without great Danger; for they can as easily draw Consequences from it too; "As "that Christ hath then fully discharged our Debts already; and they can "no more be charged upon us, than a Creditor can demand a Sum of "Money from a Debtor, which was fully paid to a Farthing by his "Surety; and therefore all that we have to do is to believe, and to be "thankful; for all this Transaction was long since past without the "consideration of any Act on our parts; and they must be great Ene-"mies to the Privileges of Believers, that can now talk of Conditions "on our parts; for this is no less than bringing us back to a Covenant "of Works, and making void the Covenant of Grace. These are Consequences of a very high nature, and have no Foundation but this Supposition, *That all our Sins as Debts are transferred upon Christ as our Surety; and he hath actually discharged the whole Debt, which therefore cannot lie upon those whom he suffered for*; and consequently we cannot suffer for those Sins, which are already discharged; nor do any thing in order to our Justification and Salvation; whatever the Scripture seems to express to the contrary. *But surely Men cannot build their Faith on such Suppositions, unless they had other places of Scripture besides this for their Foundation.* Dr. *Crisp* looked as far into this matter, as any one since, and it may be more; he turned the Scriptures over and over, and examined them with great care to find out what served his purpose; for his Heart seemed to be set upon it, and as his Son saith, it ran in his Head when he was dying; and speaking of those who disputed against his Notions of Free Grace, he said, *Where are they? I am now ready to answer them all.* Which shewed the earnestness of his Zeal about them. But there is but one place of Scripture which he could find, that seem'd to favour his Sense, and that is, *Heb.* 7. 22. where Christ is said to be *the Surety of a better Testament. God*, saith he, *takes Christ for a Surety*, p. 277. *as Men will do, so doth God with Christ.*—— *Man is a broken Debtor, and Christ is a Surety; one that is rich and able to pay, and therefore God will*

will look after none but him; for this cauſe Chriſt gives his own ſingle Bond, and God is content to take Chriſt's ſingle Bond, and looks for no other Paymaſter but Chriſt. What ſtrange Deductions are here made from one word, quite beſides the Intention and Scope of the Apoſtle? who doth not ſpeak of *a Surety for Debt*, but of *the Surety* of a Covenant; not of one that was to pay our Debts to God; but of ſuch a Surety as was to give us Satisfaction by his unchangeable Prieſthood, of the Performance of thoſe Promiſes which God made to us in this *better Covenant.* But of this more afterwards.

I now only take notice, that ſome of the Diſſenting Brethren I find charged *with talking much of a Suretiſhip, Righteouſneſs, and of an Equality of Believers with Chriſt as to it:* Which is another ſtrange Conſequence from *Chriſt's being our Surety as to the payment of our Debts, becauſe the Debtor may be ſaid to pay that Sum which the Surety lays down for him; and that God doth account that Believers have paid that Debt of Obedience which Chriſt hath paid in their ſtead; becauſe they are one legal Perſon with Chriſt.* All this depends upon this miſtaken Notion of *Suretyſhip:* But if it be once ſuppoſed, that we perfectly obeyed the Law in Chriſt, there can be no room for Remiſſion of Sins; for how can Sins be forgiven to thoſe who have perfectly obey'd the Law? Or how can they be ſaid to obey the Law perfectly in Chriſt, whoſe Sins being laid upon Chriſt, do ſhew that they have not obey'd it? For can they be ſaid to pay for their Diſobedience, and to give perfect Obedience at the ſame time.

That the Argument doth not hold, that becauſe a Debt may be transferred to a Surety, and the Debtor be diſcharged on the Surety's undertaking the Debt, that therefore our Sins may be transferred to Chriſt, and we receive a Diſcharge by his becoming our Surety.

For (1.) there is no difficulty in conceiving the transferring of Debts, and diſcharge of a Debtor by a Surety. But in Sins the Guilt cannot be transferred as Money may; for the guilt of the Fact remains a perſonal thing; and although the Sinner be ſaid to owe a Debt to the Law, yet that Debt lies in the Obligation to Puniſhment, which he is liable to by the Guilt of the Fact; but although the Puniſhment may be transferred by the Legiſlator's conſent, yet the perſonal fault cannot. *But doth not this Debt ariſe from the Guilt of the Fact, how then can any diſcharge the Debt without taking the Fault?* I anſwer, That taking the Fault can ſignify no more than being anſwerable to the Law for it; which muſt reſpect the Debt of Puniſhment, which the Law inflicts; and he that takes away the Guilt of Puniſhment doth ſatisfy the Juſtice of the Law.

But we are told, *That nothing is a Demerit of Puniſhment but* Reatus Culpæ, *and therefore if Chriſt did undergo the Puniſhment of our Sins, he muſt bear the Guilt of our Sins as to the Fault.*

In the *Guilt as to the Fault* there are two diſtinct Conſiderations. 1. *The Fault it ſelf*, or the actual Violation of the Law by him that committed it; and this can never be transferred. 2. *Of the Debt to the Law*, which follows the Fact, and this reſpects the Puniſhment, which may be transferred.

How can this be, unleſs he be made liable to the Puniſhment, and that is only by the Fault?

Being

Being *made liable* doth naturally and in ordinary course follow the Guilt of the Fact; but Laws and Punishments being made for wise Ends, the Legislator himself may interpose, and for great and wise Ends may change the ordinary course of Justice, and accept of another Person to suffer instead of the Offenders, (as I observed before.)

But suppose the Fault could be transferred as *a Debt* may, how doth it follow, that upon this Translation there must be *a present Discharge*, as there is upon a Surety's being accepted instead of the Debtor? For in the case of a Debt, there is nothing looked after but payment of the Money; but in the Remission of Sins, there are very weighty Considerations, as to the manner of discharging the Obligation to Punishment: For the true Honour of God, and Religion, and the real Interest of Mens Souls, as to the *working out their own Salvation* are deeply concerned in this matter. It is very possible for Men to frame a Scheme of Religion to themselves from some peculiar Phrases of Scripture, and general Promises, which may be fitted to some particular uses, as to give satisfaction to some Persons Doubts, (which seemed to be Dr. *Crisp*'s Intention) but upon Consideration of the whole Design of the Gospel, they may be of dangerous Consequence to Mankind; who are too apt to make ill use of such Principles, by drawing such Deductions from them, which tend to encourage them in the neglect, or careless performance of that strict Obedience which they owe to God with respect to himself, and to their Neighbours. And it is of little moment to them to be told, *That God will carry on his own Work of Grace in those whom he intends to bring to Salvation*: For this naturally disposes Mens Minds to a passive careless Temper, as though they had nothing to do, but to wait for Supplies from above; and to depend upon *God's working in them to will and to do of his good pleasure*, without setting themselves *to work out their own Salvation with fear and trembling*. And yet St. *Paul*, who certainly understood the Power and Design of God's Free Grace, uses one as the strongest Argument for the other. What would he have said to such Men, who according to these Principles must have told him, That he discharged the freeness of God's Grace, by putting Men upon *working out their own Salvation*; *for this was to bring in a Covenant of Works again, and a Bargain and Sale with God, and to set up the Merit of Man's Works to Salvation*; *for every Condition gives a Right, and what gives Right may be challenged as due, and what may be challenged as due is meritorious*. If there be any thing in such kind of Arguments St. *Paul* was as much concerned to have answered them, as any now a-days; but he thought a great deal lay upon Mankind to do, notwithstanding that wonderful Grace of God in the manner of our Salvation by *Jesus Christ*; and that *by patient continuance in well-doing, men ought to seek for glory, and honour, and immortality*; which they could not do, unless they had a regard to it in *the seeking of it*, as the way to attain it. Doth not he bid Christians *so run that they might obtain*? Doth not this make *running a Condition of obtaining*? And what is *obtaining but Salvation*? What doth he mean by his *pressing toward the mark, for the prize of the high calling of God in Christ Jesus*? Do not these Expressions imply a great care to obtain the Reward of another Life? Here is something beyond meer *Gratitude and Service*; for he doth suppose a *Connexion in way of Duty and Means* in order to *the End*; and not meer *Connexion in a way of Event*; *so that to those to whom God will give Glory, he will give Grace to fit Persons for it*. But St. *Paul* intimates far more, when he saith, *That he kept his Body in subjection*;

Phil. 2. 12, 13.

Rom. 2. 7.

1 Cor. 9. 24.

Phil. 3. 14.

for what reaſon? Was it meerly to teſtifie his *Thankfulneſs?* He gives another account of it; *leſt that by any means while I preach to others, I my ſelf become a caſt-a-way.* Was St. *Paul* ſo ignorant of the *ſureneſs of the Goſpel Covenant*, as to ſuppoſe that by any Act of his he could make void that *Covenant*, which hath no relation to *Conditions* on our part? Either he was ſo ignorant, or others muſt be extremely miſtaken, who can hardly allow him to ſpeak tolerable ſenſe about this matter, if he doth exclude Conditions on our part in order to Salvation: But as no Man magnifies the Riches and Freeneſs of Grace more than he, ſo no one preſſes the Neceſſity of *Holineſs* more, as that, *without which no Man ſhall ſee the Lord.* Is this only to tell them, *That God will make them holy, if he deſigns to make them happy?* No, but he puts them upon *purſuing after Holineſs*, for that Reaſon. *For if ye live after the Fleſh ye ſhall die; but if ye through the Spirit, do mortify the deeds of the Body ye ſhall live.* Is not this *acting for Life, and not merely from it?* He ſuppoſes *the Spirit* ready to aſſiſt them in doing their Duty, and the greateſt encouragement to the performance of it. And in general, he perſwades Chriſtians to great Sincerity in doing their Duties from this Conſideration; *Knowing that of the Lord ye ſhall receive the Reward of the Inheritance, for ye ſerve the Lord Chriſt. But he that doth wrong ſhall receive for the wrong that he hath done; and there is no reſpect of Perſons.* Could any Man more plainly inforce Mens doing their Duties with reſpect to Rewards and Puniſhments, according to the performance of them, than St. *Paul* here doth? And that from this Conſideration, *that there is no reſpect of Perſons*; which in this place muſt imply, that God will have a regard to Mens Actions, and not to their Privileges.

1 Cor. 9. 29.
Heb. 12. 14.
Rom. 8. 13.
Col. 3. 23. 24. 25.

Neonom. Part 3. p. 286.

Some may perhaps ſay, *What is this, but to make the Promiſe to ſecure Life upon doing our Duties? And if this be not to make the Goſpel a more overgrown and ſwinging Covenant of Works, than ever the old Law was, they have loſt all their Theological Meaſures.* I know not from whence ſuch men take their *Theological Meaſures*, nor of what kind they are, nor by what Standard they are to be tried; but I know of no Infallible Standard but the Holy Scriptures; and therefore all *Theological Meaſures* are to be examin'd by them. And I think St. *Paul* may as little be ſuſpected for ſetting up a Covenant of Works, as any Penman of the New Teſtament; and it is from him I have choſen to produce my Teſtimonies, becauſe it is he that attributes ſo much to the *Grace of God* in order to our Salvation. It is he that hath ſaid, *That God hath called us with an holy calling, not according to our Works, but according to his own Purpoſe and Grace which was given us in Chriſt Jeſus before the world began.* It is he that hath ſaid, *Not by Works of Righteouſneſs which we have done, but according to his Mercy he ſaved us by the waſhing of Regeneration, and renewing of the Holy Ghoſt; which he ſhed on us abundantly through Jeſus Chriſt our Saviour*; that requires men *to work out their Salvation with fear and trembling.* St. *Paul* uſeth the ſame word, *Rom. 7.* 18. where it ſignifies bringing a thing to effect, and is oppoſed to meer *willing*, and we render it *to perform*; in the LXX it is uſed for finiſhing and carrying on a thing already begun; and can imply no leſs than great Diligence in doing all ſuch things as tend to our Salvation; for that is the thing we are to work out by Divine Aſſiſtance; and therefore our own Working is required by the Author of our Salvation: Although he ſaves us not for the ſake of any Works of Righteouſneſs which we can do; yet his way of ſaving us is by *working out our own Salvation.* But we are told,

2 Tim. 1. 19.
Tit. 3. 5. 6.

no

no more is meant by this, but *a continual maintaining a holy Jealousy of our selves, lest we should fail of the Grace of God by trusting in our selves; for it's immediately added, For it's God that worketh in you both to will and to do.* And is this all that St. *Paul* means? By *Fear* and *Trembling* indeed he understands great Humility of Mind, which carries along with it a Jealousy of our selves; but what is *working out our Salvation*? That is *not trusting in our selves*, but depending on God to do it for us. But is there nothing then we are to do with that Divine Assistance promised? Are we to sit still, and only expect when *God will work in us to will and to do*? Then working out our own Salvation are insignificant Words, and imply doing nothing; which is such a sense of the words as was never thought on before, and will not be again by any that do think what they write. *Neonom. Part 3. p. 286.*

But St. *Paul* gives another sense when he perswades Rich Men that *they do good, that they be rich in good works—— laying up in store for themselves a good foundation against the time to come, that they may take hold of eternal Life.* How is this? What? *Do good works that they may take hold of eternal Life?* What is this but a *swinging Covenant of Works* of St. *Paul*'s setting up? What is become now of the *Theological Measures*? Had St. *Paul* forgot himself? Or did he, *who became all things to all men*, here deal with *Rich Men* in their own method, by way of *Bargain and Sale*? But surely he would never accommodate himself to their way of dealing, so as to overthrow the Covenant of Grace; as these men imagine such Conditions would do it. And he very well understood the difference between the *Foundation* of the Covenant it self, which was certainly nothing but *the Grace and Mercy of God through Jesus Christ*, and the foundation of our hopes as to our obtaining the Benefits of it, which supposes the performance of such Conditions as are required from us; not as *Works meritorious of a Reward*, but as *Means* which God hath appointed in order to an *End*. As a Son that hath an Estate promised him of the free Gift of his Father; but yet he requires some Conditions to be performed by him before he comes to the possession of it; can any one think this *a Bargain and Sale* between Father and Son? Or that he is to purchase the Estate by these Conditions? If these be their *Theological Measures* they had need to seek for new ones, for these will never hold according to the Standard of Scripture or Reason. 1 Tim. 6. 18. 19.

Which will yet more appear by what our Blessed Saviour himself hath said concerning this matter; and surely we may most safely take *our Theological Measures* from him: For he knew best, how far and in what sense the Guilt of our Sins was transferred upon him; and whether there followed an immediate Discharge upon it, without any regard to Conditions on our part. He had the Question of the highest importance in this matter twice put to him; *What shall I do to inherit eternal Life?* At one time it was to try him, by a captious Person; and after his repeating the two great Commandments of the Law of God and our Neighbour, our Saviour said to him, *Thou hast answered well, this do and thou shalt live.* Had our blessed Saviour only a mind to banter him? Or was it to convince him of the impossibility of his doing what was necessary for eternal Life? It is not improbable that he intended to convince him of his folly, who supposed he had kept these Commandments in the Jewish sense of them; which he doth in a serious manner by the Parable of the *Samaritan*. But what can be said to the other Case, where a young Man of Quality and Estate came to him Luke 10. 25. 28.

with the ſame Queſtion, but with a different Intention; for to ſhew he
Mark 10. 17. was in earneſt, St. *Mark* obſerves, *that he kneeled to him, and asked him, Good Maſter, what ſhall I do that I may inherit eternal Life?* And when
21. he anſwered well, it is ſaid, *That Jeſus loved him*; which ſhews his ſincerity ſo far: But there was an immoderate love to the World in his Heart which he was not aware of, till our Saviour put him upon a ſevere Trial of himſelf; *Go thy way, ſell whatever thou haſt, and give to the poor.* And what then? *And thou ſhalt have Treaſure in Heaven.* Doth Chriſt himſelf make it a matter of *Bargain and Sale* for Heaven? Doth the Surety of the better Covenant eſtabliſh a Covenant of Works? And
Matt. 19. 21. Luke 18. 18. that when one came to him for direction to attain eternal Life? Yet the three Evangeliſts who report this Story, differ not as to this particular. But what was our Saviour's Deſign in it? Not barely to convince him, that he had greater and more prevailing Paſſions within him than he was aware of; but that there was ſuch a uſe to be made of the the things of this World, that they may be ſerviceable to another. And
Luk. 16. 9. ſo he ſaith in another place, *Make to your ſelves Friends of the Mammon of Unrighteouſneſs, that when ye do fail they may receive you into everlaſting Habitations.* Not by way of Merit, or any fooliſh Imagination of that ſort; but in Obedience to the Will of Chriſt, who hath made it ſo neceſſary a Duty for thoſe who hope to be happy in another World,
Matt. 25. 34. to do good in this; which is evidently declared by the Account which himſelf gives of the proceedings of the great Day. Which are far more to be regarded than mens *Theological Meaſures*. According to which, I confeſs, I know not what to make of the main Scope and Deſign of our Saviour's Preaching. For he was ſtill preſſing Men *to do the Will of the Father, to keep his Sayings, to obey his Commandments*, and upbraided Men for not doing it; and yet, according to theſe *Meaſures*, he knew it was impoſſible for them to do it; and that Mens *Salvation* was determined, without any Regard to *Conditions* on our parts.

If theſe be the right *Theological Meaſures*, what doth our Saviour
Luke 13. 24. mean when he bids Men *ſtrive to enter in at the ſtrait Gate; for many ſhall ſeek to enter in, and ſhall not be able?* By which, it ſeems, that bare *ſeeking* by faint and weak Endeavours is not ſufficient; but *by ſtriving* we may *enter*, or elſe it is to no purpoſe to put Men upon it. What can this mean, if our Endeavours are not made *Conditions*; for as he
Mat. 7. 14. ſaith elſewhere, *Strait is the gate, and narrow is the way that leadeth unto Life, and few there be that find it.* To what purpoſe is this ſpoken, but to ſtir Men up to greater care and endeavour to attain to eternal Life; ſince ſo many do miſs of it, for want of diligence in the enquiry and purſuit after it?

Serm. p. 56. But Dr. *Criſp*, by his new *Theological Meaſures*, hath found out an extraordinary ſenſe of theſe words, *viz. That they are not to be underſtood of ſtrictneſs of Converſation; but that it hath not that latitude in it that generally Men think it hath; for they think, that beſides Chriſt, there is ſomething in the way that leadeth to Life, and that is a Man's own Righteouſneſs; but if a Man's own Righteouſneſs be taken in, then it is a broader Way than Chriſt allows.* But how could it enter into any Man's Head that reads our Saviour's words to the end of the Chapter, to think this could be his meaning? *ver.* 21. *Not every one that ſaith unto me, Lord, Lord, ſhall enter into the Kingdom of Heaven, but he that doth the will of my Father which is in Heaven*; and *v.* 24. *Whoſoever heareth theſe Sayings*

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of mine and doth them, I will liken him unto a wise Man, &c. What can be more evident, than that our Saviour here speaks of Obedience to his Will, as that *strait gate and narrow way which leadeth unto life?* So that if Christ and his Apostles taught true Doctrine (as no doubt they did) it was not meer transferring our Sins to Christ that is sufficient for our Discharge and Salvation; but the Conditions of Faith, Repentance, and sincere Obedience are required on our parts.

(3.) If there be no Conditions on our parts in order to the partaking the Benefit of Christ's Sufferings in our stead, how can Men have any good ground to satisfy themselves, that the Guilt of their Sins is transferred upon Christ? This was a difficulty which Dr. *Crisp* was aware of; and therefore labours much for the clearing of it. The short of it is, If Men can believe it to be so, that is the best Evidence that the thing is really so. These are his words, *If thou believe with all thy Heart thy Sins are forgiven thee; (though the very believing it self do not infeoff thee in that freedom) but if you would know whether you have any part in this freedom or not, the believing in the Lord Christ is a sufficient manifestation.* P. 128. Again, *If the Lord hath laid Iniquity, and our Iniquity upon Christ, then whosoever thou art to whom the Lord will be pleased to give the believing of this truth, that the Lord hath laid thy Iniquity upon him; that laying thy Iniquity upon him is an absolute and full discharge to thee, that there neither is, nor can be any Iniquity, that for the present or for hereafter, can be laid to thy charge, let the Person be who he will: If the Lord, I say again, give to any to believe this truth, that it is his Iniquity the Lord hath laid upon Christ, God himself cannot charge any one Sin upon that Person.* P. 295.

These are very bold Expressions, and ought to have had plain Scripture, or evident Reason to support them, but they have neither. The place of Scripture he brings is, *Who shall lay any thing to the charge of God's Elect?* But is believing that our Sins are forgiven an infallible mark of God's Elect? Is it not possible for one not Elect to believe it, or for one Elect not to believe it? If so, how can it be any reasonable Argument to conclude, That a Man's Sins are forgiven because he believes that they are? Is Presumption a thing possible or not? If it be possible, is it not the greatest Presumption to believe without grounds? And what ground can any one have to believe that his Sins are forgiven because he believes it? Where hath God declared this in Scripture? And what ground can there be for true Faith without Divine Revelation?

But Dr. *Crisp* was aware of the Objection about Presumption, and he gives this Answer to it, *Let the Person be what he will be, if there be but a real receiving of Christ, there is not Presumption but true Believing*; P. 493. which is not at all to the purpose: for the Question is not about *Receiving of Christ*, as to his Word and Promises; which is, no doubt, a real Act of Faith; nor about a firm persuasion of the Mind as to the truth of what God hath revealed; but it is about that particular Act of Faith whereby we believe that our Sins are forgiven; and this is supposed to be the first Act of Saving Faith, and to be the true Manifestation, that such a Person's Sins are forgiven. And this is that which leads Men, we say, to Presumption, and hath no ground at all in Scripture. It is far from *Presumption* to believe what God hath declared and promised; for this is our Duty: It is no *Presumption* to apply the general Promises of Forgiveness of Sins to our selves; for without that, they cannot reach

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to our caſe, and therefore cannot afford ſufficient ground of inward Peace and Satisfaction of Mind: It is no *Preſumption* to rely upon the truth of Divine Promiſes, nor to depend upon our Bleſſed Saviour for the performance of them; for this is conſequent upon our perſuaſion that theſe Promiſes are Divine: But yet it may be great Preſumption to conclude, that *a Man's Sins are forgiven becauſe he believes that they are forgiven, being laid upon Chriſt:* For on what is this Connexion founded? Where is it revealed? And if to believe a thing without ground be Preſumption, this muſt be ſo.

P. 105. But Dr. *Criſp* urges that Scripture, *While we were yet Sinners Chriſt died for us: If thou art a Sinner therefore, Chriſt died for thee.* And how then? Muſt every Sinner believe, not only that Chriſt died for him, and that his Sins are forgiven, and if he can believe this, it is a mark of his Election; and what follows? Then here is univerſal Redemption aſſerted in its full extent; and what is more, here is an univerſal Election too, if all Men can believe that their Sins are forgiven: At leaſt it is a Conditional Election; and that is ground enough for Preſumption as to all ſuch as can believe that their Sins are forgiven. What can hinder any Man more from Repentance and forſaking his Sins, than to be told, that the firſt Act of Saving Faith is to believe that his Sins are forgiven? But the Goſpel preaches Repentance in order to Remiſſion of Sins; for when Chriſt ſent abroad his Apoſtles to preach to the World, the Meſ-
Luke 24. 47. ſage was, *That Repentance and Remiſſion of Sins ſhould be preached in his Name among all Nations.* Not that Men were to believe that their Sins are already forgiven, being laid upon Chriſt in his Suffering, although the Suffering of Chriſt be mentioned juſt before. And when St. *Peter* had the Holy Ghoſt upon him, and ſpake of the Sufferings of Chriſt, it
Act. 3. 19. is obſervable what preſently follows, *Repent ye therefore and be converted, that your Sins may be blotted out, when the times of refreſhing ſhall come from the preſence of the Lord.* What a different account is this from believing that your Sins are forgiven, and you may be ſure they are for-
Act. 2. 38. given? And upon the very day of Pentecoſt, he ſaid, *Repent and be baptized every one of you in the Name of Jeſus Chriſt, for the Remiſſion of Sins.* Here is not only Repentance required for the Remiſſion of Sins, but *Baptiſm* too. And is not the Baptiſmal Covenant a Condition on our parts? It muſt be a mere piece of Pageantry, and an inſignificant Ceremony, if it doth not imply a Stipulation on the part of thoſe who are baptized. And what is a Stipulation, but a federal Condition? So that thoſe who exclude Conditions from the Covenant of Grace, muſt make nothing of the Baptiſmal Covenant, as to any real Obligation on the Conſciences of Men. And how can thoſe be accounted Chriſtians who do ſo? Theſe things are ſo plain in Scripture, that I wonder how thoſe can account it the Rule of their Faith who deny them; but whatever ſuch Men pretend, they muſt take up their *Theological Meaſures*, as they call them, ſome other way. And it is not hard to gueſs what it is which makes ſuch Doctrines ſo popular with thoſe, who have a mind to reconcile the Practice of gainful, and trading, and faſhionable Sins with an Intereſt in Chriſt; which is eaſily done, if no more be neceſſary to Remiſſion of Sins, but ſuch a Faith whereby they believe their Sins are already pardoned.

Whether this be the Reaſon of ſome Mens liking ſuch Doctrines above others I cannot ſay; but it is no wonder if they ſhould; and it is a dangerous Temptation for others to preach ſuch pleaſing Opinions, eſpe-

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cially when they are covered over with the very ſpecious Pretence of advancing the free Grace of God; which muſt be free indeed if no Conditions be required on our parts. But then methinks they might as well exclude a Condition without as well as within them; and ſo there would be no need of the Satisfaction of Chriſt. For the *Abſolute Promiſes* of the New Covenant, on which ſo much weight is laid (without comparing them with other places of Scripture) ſpeak no more of Chriſt's Sufferings than they do of any Conditions in us: But to this they think they have a full Anſwer, by attributing to God ſuch a ſort of vindictive Juſtice, as requires an abſolute, and rigid, and perfect Satisfaction in the ſame kind for the Sins of Mankind. Now this one would think doth not agree well with the Notion of Debts (already examined) for what ſort of Vindictive Juſtice is that, which makes Debts ſo neceſſary to be paid *to the utmoſt Farthing*? But Dr. *Criſp* hath put both theſe together in ſeveral places.

The truth is, ſaith he, *where-ever Sin is, the Juſtice of God will have plenary Satisfaction; for all the Sins in the World God will have full Satisfaction either by the Sinner himſelf, or by ſome Surety for him; Chriſt, ſeeing he hath taken the Sins of the Elect upon him, he muſt pay the full value, and his pay muſt be as full as the Rebrobates in Hell, God will have the utmoſt Farthing.* P. 275.

Again, *When Chriſt came into the World, he paid down ready Money all at once, he paid for every Parcel at one Payment; God hath all from him, as they ſay, in ready Caſh.* P. 335.

And again, *From the actual laying Iniquity upon Chriſt, at that inſtant when he was upon the Croſs, God nailed the Sins of Men to the Croſs of Chriſt; and from that time there was not one Sin to be reckoned, either to Believers, who are the Members of Chriſt, or to Chriſt himſelf; he having made Satisfaction, and upon it given out to the World, it is finiſhed. What is finiſhed? It is the payment of the Price ſo long look'd for; the utmoſt Farthing is now laid down.* P. 357.

But in other places he ſpeaks of *Chriſt's wearing out the Rod of Vengeance to the very Stumps:* And of *God's Juſtice, as a Blood-hound following the Scent of Blood, and ſeizes where-ever he finds it. If Chriſt take our Blood upon him, Juſtice will follow him, and ſeize upon him, as if he had been the very Perſon acting the Sin.* P. 394. P. 274.

What mean and unworthy Repreſentations are theſe of the *Divine Juſtice*, which is always accompanied with infinite Wiſdom; and acts not here for Vengeance, but to prevent it! God hath great, and wiſe, and becoming Ends to all the Divine Perfections in the *Sufferings of Chriſt* for us, in order to our Redemption and Salvation. But ſuch kind of Notions as theſe, made Men abhor the Notion of *Satisfaction*, and gave all the advantages which they ever had againſt it. Therefore, if we would defend it ſucceſsfully, we muſt have a great deal of care not to run upon theſe *Antinomian Principles*; which muſt unavoidably carry us into ſuch Abſurdities, which will make our Adverſaries inſult and triumph, as we find they do in their late Pamphlets, whenever they encounter this Notion of Satisfaction. And they would make the World believe that there is no other, which is a piece of Artifice in them; and if ever they prevail in their Undertakings, it muſt be only with ſuch Perſons who have eſpouſed ſuch an indefencible Notion of it: For the ſtrength of all they ſay againſt the Doctrine of *Satisfaction* in the moſt correct Edition of the *Racovian Catechiſm*, (which, if they have any, is to *p.* 146. Catech. Racov.

to be look'd on as the Standard of their Doctrine) is, that the *Payment of the utmoſt Farthing* muſt exclude all Conditions on our ſide: So that the Notion of Satisfaction doth lay the Foundation of *Antinomianiſm*; which Dr. *Criſp* very well ſaw, and therefore by juſt Conſequence built his Doctrine upon it.

CHAP. III.

The State of the Socinian *Controverſy explain'd, with reſpect to the preſent Differences among Diſſenters about it.*

HAving thus far endeavoured to lay open the *Myſtery* of *Antinomianiſm*, and thereby to remove the falſe Principles on which the Doctrine of *Satisfaction* hath been maintained, I now come more cloſely to conſider the Charge of *Socinianiſm* upon thoſe who have appeared moſt vigorouſly againſt it. Among theſe, in your *Appeal*, you have ſingled out Mr. *Baxter*, who was remarkable for his ſucceſsful writing againſt them; and Mr. *Dan. Williams*, who hath made himſelf known to the World by his Examination of Dr. *Criſp*'s Opinions. I do not ſay it is upon that Account that you have endeavoured to repreſent them, as yielding too much to the *Socinians*; for you declare againſt ſome of them your ſelf with great vehemency; but I may ſay, and hope to make it out, that it hath been only a miſtaken apprehenſion of the true ſtate of the Controverſy, which hath been the occaſion of all theſe Heats; and that there is no Cauſe for any real Difference among thoſe who are not *Antinomians*, either in the *Principles*, or the *Conſequences* which follow from them.

And therefore I ſhall immediately apply my ſelf to the ſeveral Heads of your *Appeal*, in the Order you have placed them; and bring under each of them the Matters which lie diſperſed in your Book.

1. *About Chriſt's Sufferings being a proper Puniſhment of our Sins.*

As to this you produce ſeveral Paſſages out of Mr. *Baxter*'s Writings; wherein he denies *Chriſt's Sufferings to have been a proper Puniſhment of our Sins, but only ſaith that they were Improperly, Analogically, and Materially penal: That our Sins were not a proper Meritorious Cauſe, but only Occaſional of Chriſt's Sufferings; and that they were not from the Obligation of the Law, but only from his voluntary Undertaking*; and that Mr. *Williams* follows him in thoſe *Notions*. For you look on him only as *the Acceſſory*, and the other *the Principal*.

In examining this matter, we have two things to conſider.

1. In what Senſe this is aſſerted by Mr. *Baxter*.

2. How far this Senſe doth overthrow the Doctrine of *Satisfaction*, and how far Mr. *W.* is concerned in it.

1. As to the Senſe in which theſe things are aſſerted by Mr. *Baxter*: For which we muſt have recourſe to his Writings, where he hath delivered his Opinion moſt clearly. I paſs over therefore his *Aphoriſms*, becauſe he declared afterwards, that he had expreſſed his Mind more fully

ly in his other Books; especially in his *Confession of Faith*, purposely written for the clearing of himself. In that Book, he owns, *p.* 3. that in his younger Days, he was near being *ensnared by the Antinomian Doctrines; but afterwards he found them to be not only false but dangerous, and very apt to prevail upon weak and injudicious Minds, which excited his Zeal against them*; which exposed him, as he saith, so much to the Hatred and Reproaches of those who favoured them.

In the *Confession* of his Faith, *p.* 12. he expresly owns not only *Christ to be God, and one with the Father; but that taking our Nature upon him, he gave up himself a Sacrifice for our Sins, and a Ransom for us in suffering Death upon the Cross.* And afterwards, *p.* 152. he sets down the *Antinomian* Doctrine on one side, the *Socinian* on the other, and his own as the *Truth* in the middle. The *Antinomian* is thus delivered. *Jesus Christ satisfied God's Justice as in the Person of all his Elect, so that in Law-sense and God's account, they themselves did satisfy in and by Christ. So that Christ's Sufferings were the full and proper Execution of the threatning of the Law to Man; and so acquits them* ipso facto, *on the meer Suffering; and so it is theirs as paid and suffered by Christ, and accepted by God, without or before any further means of Conveyance or Application to give them a Right in it, or to its Fruits.*

The *Socinian* Doctrine is thus expressed. *That Jesus Christ did not undergo any Penalty for our Sins, as the Meritorious, or Pro-meritorious Cause, but only as Occasions; and that he did not make any Satisfaction to God's Justice for us, but only suffer from the cruelty of wicked Men, and not as from a just and offended God, and set us a Copy or Example of Patience by his Death for our Imitation.*

That which he puts down as the *Truth* is this. *Jesus Christ as the Publick Sponsor did bear the Punishment deserved by the Sins of the World, and made to his Father a Satisfaction sufficient for all.* I need not repeat any more in this place; this being sufficient to shew that he did reject the *Socinian Doctrine*; and owned that Christ *did bear the Punishment deserved by Mankind, and made full Satisfaction to the Father.*

You may say, *It is no news for Mr.* Baxter *to be charged with contradicting himself.* And it is possible for a Man who writes much, and lives long, to fall into such different ways of expressing his Mind, as by others may be taken for *Self-Contradictions* which really are not so. But this must be narrowly examin'd, lest we do him or the Truth injury. We must therefore consider the force of those Expressions you produce out of him.

In his *Methodus Theologiæ* you say, *That he expresly declares that the Sufferings of Christ as to the Reason of the thing, were only a Natural Evil undergone by Occasion, and the remote Causality of the Sins of Mankind. Not that our Sins deserved his Punishment; but because unless our Sins had deserved Punishment he had not undergone it. Because there is no proper Punishment but for Sin; and so the Sufferings of Christ are only Punishment in an Improper and Analogical sense.*

This is the force of what you cite out of him, and to the same purpose you quote his Book of *Universal Redemption*, lately printed, but long since written; as appears by the *Postscript* to his *Aphorisms*, and by the Book it self.

The chief Expression in it, *p.* 91. is, *That Christ's Sufferings had no proper Meritorious Cause, but yet Man's Sins were the* Pro-causa Meritoria;

ria; *he undertook to bear that Suffering which for them was due to us (not to him.) And therefore when I say he bore the Sufferings due to us, I mean it* materialiter *only; such Sufferings for kind and weight he bore, but his Obligation to bear them was only from his own Sponsion, and not from the Law. From these passages*, you say, *you fear a Design in some Followers against the Doctrine of a Real, Full, and Proper Satisfaction to God's Justice for our Sins. To which it is Essential, that Christ's Sufferings be truly and properly Penal; and that our Sins be the near Impulsive Meritorious Cause of them; and that the Obligation thereunto arise from the Sanction of the Law.* This latter part must be examined afterwards.

2. I now come to consider how far this overthrows the Doctrine of Satisfaction. To which I answer,

1. It doth not appear how this touches Mr. *D. W.* the *Principal* in the *Accusation*; although you suppose him but an *Accessory* in the *Doctrine*. And therefore it ought to have been made out, that Mr. *W.* had espoused these Notions of Mr. *B.* for he might follow him in other things, and find reason to dissent from him in this. Therefore I expected to find some Proof that Mr. *W.* had said the same things as to this matter, which
P. 13. Mr. *B.* had done. But you only produce *the Complexion of his Writings, and their Tendency, and his Notions, Phrases, Terms and Arguments, to prove this Charge:* From whence you infer, *That he must with Mr.* B. *deny Christ's Sufferings to be properly Penal.* Now I appeal to your self, whether in a matter of such Consequence as you apprehend this to be it be just and reasonable to charge one Man with another's Opinions, from general Presumptions and Surmises? Especially when he frequently owns the Sufferings of Christ to be a Punishment for our Sins, in opposition to the *Socinian* Doctrine. Either Mr. *B*'s Doctrine as to this matter falls in with the *Socinians* or it doth not; if not, why so much heat against it? If it doth, Mr. *W.* utterly disowns it; for he expressly rejects the *Socinian* Notion; as will appear by these places which I have observed in him. In the first place he makes no such Distinctions of a *Pro-meritorious Cause and Analogical Punishments* as Mr. *B.* did. And he asserts Christ's Sufferings to be a *Punishment for our Sins* in several pla-
Man made Righteous p. 41. P. 18. ces; as in these Words: *But he was willing to bear the Punishment of our Crimes, that thereby he might merit our Forgiveness. True, it was for Sin or it had not been necessary; nor yet a Punishment*, &c. Again, *Christ suffered the utmost Punishment which Justice required, and God proposed for the Expiation of Sin.* And when he was accused of Principles tending
P. 229. to *Socinianism*, he gave this Answer. *The Socinian Principles are summarily reduced to that of the Trinity, and that of Christ's Satisfaction. They deny the Deity of Christ, as the Son of God by Eternal Generation, we affirm it: They deny the Personality of the Holy Ghost, we affirm it. The malice of our Adversaries cannot pretend to touch us here. The* Socinians *deny that Christ died a proper Sacrifice for Sin, we affirm it. They deny that Christ's Sufferings were the Punishment of our Sins, we affirm it. They deny that Christ satisfied Divine Justice, or died in our place, we affirm that he satisfied Justice, and that Christ died in our place and stead.* And in another place, *I assert Christ's Sufferings to be Punishment satisfactory to*
Answ. to Mr. *J. H.* p. 7. Appeal, p. 7. *Justice for our Sins.* And you tell me, you agree with me, That the true Controversy between the *Socinians* and us lies here, Whether the Sufferings of Christ were to be considered as a Punishment for our Sins, or as Dominion only over an innocent Person in order to his Advancement

vancement to Glory. If you agree in this, and Mr. *W.* ſo freely owns that Chriſt's Sufferings were a Puniſhment for our Sins, how come you to ſuſpect that his Notions tend to *Socinianiſm?* And in his late *Animadverſions* on your *Defence* of the *Report*, p. 80. he ſaith, *That he joined with his Brethren in ſaying that the Puniſhment of our Sins was inflicted on Chriſt; that God might without injury to his Juſtice, pardon and ſave Penitent Believers. Is this a* Socinian *Error? Or is a Word wanting to make Chriſt's Sufferings proper Puniſhments? Nay, what is it to anſwer for our Violations? Is not to anſwer for our Sins another thing than* Socinians *hold? Even this is no leſs than ſuffering the Puniſhment of our Sins, if we were for violating the Law under its Obligations to ſuffer thoſe Puniſhments.*

But you may ſay, *That all this is meer Sophiſtry, and that he means only Puniſhment Materially and Analogically, as Mr.* B. *doth, although he finds it neceſſary to be more cautious and reſerved in his Expreſſions:* But I ſee no cauſe for ſuch a ſuſpicion as to Mr. *W.* I come therefore,

(2.) To conſider whether Mr. *Baxter*'s own words do lay him open to the ſuſpicion of going too far towards the *Socinians* in this matter. For in this caſe we muſt diſtinguiſh the Scripture Notion of *Puniſhment* from a ſtrict and Philoſophical ſenſe of it. The Scripture ſpeaks in general of *Chriſt's bearing our Sins, and our Iniquities being laid upon him, and his being made Sin for us*, &c. but not a word of *ſtrict and proper Puniſhment*; but of that which was appointed and accepted in order to *Atonement* for our Sins, as the *Impulſive Cauſe*, becauſe the nature of the Expreſſions do imply it; which becomes *Meritorious* by his voluntary undertaking it.

But Mr. *Baxter* it ſeems could not ſatisfy himſelf with the General Terms of Scripture; but was reſolved to enquire into the *Nature and Reaſon of the thing it ſelf*; and from thence he found theſe things, as *to Sin and Puniſhment*, which he thought fit to be conſidered.

1. *That Puniſhment is a Natural Evil inflicted for a Moral Evil, wherein the Matter is the Evil it ſelf as Natural; the Form*, as he calls it, *the reſpect to the Meritorious Cauſe.* Meth. Theol. *Part* 3. *c.* 1. Def. 5.

2. *That the Name of Puniſhment is in it ſelf ambiguous; becauſe it relates to Puniſhment juſtly inflicted, and that which is not; the former is proper Puniſhment, the* 2*d is only Analogically ſo.* Here *Analogical Puniſhment* is that which is unjuſtly inflicted, if it be therefore juſtly it muſt be *proper Puniſhment.*

3. *The firſt and moſt natural ſenſe of Puniſhment is, when the Offender himſelf ſuffers for his Fault: But there may be two other Reaſons of Puniſhment, which he calls* Analogical, *becauſe they do not immediately follow Perſonal Guilt; and thoſe are either from nearneſs of Relation, as Subjects for Princes, and Children for Parents; or by voluntary Sponſion, as in vicarious Puniſhments.* (By which we are not to underſtand, as you ſeem to eſtimate, that which is *vice pœnæ*, or *Inflict ion inſtead of Puniſhment*; but it is a real Puniſhment by Subſtitution of one in the place of another.) Def. of the Report.

From hence he infers, *That ſince Chriſt did not ſuffer as a Sinner, therefore his Puniſhment could not be proper in the ſtricteſt ſenſe*; and ſo it muſt be *Analogical*, becauſe *not immediately conſequent upon the Fault*, but by the *voluntary Act of another perſon.* For *in the Reaſon of the thing he allows only the Sinner himſelf to be capable of the Puniſhment*; i. e. *in the primary ſenſe of it.* But if he that undergoes *the Puniſhment* for another by his own Act, be juſtly puniſhed upon his voluntary Sponſion, then, I ſay, the Fault of another becomes *a meritorious Cauſe* as to him, or there muſt be *Injuſtice* in the Puniſhment. For he diſtinguiſhes between *a Puniſhment upon a falſe Imputation, which he calls Unjuſt, but Analogical*; *and a Puniſhment of another by Conſent, which he calls Analogical, but not Unjuſt.* But if the Puniſhment be *juſt*, the Cauſe muſt be juſt; it could not be juſt with reſpect to his own Fault, for none is ſuppoſed; therefore there may be a juſt Puniſhment for another's Fault; and if ſo, that may be truly ſaid to be the *Meritorious Cauſe* of it, and the Puniſhment *a proper Puniſhment*, although for another's Fault. But that which led Mr. *B.* into the denying of it was, the *Antinomians* making Chriſt *to undergo the proper Puniſhment of our Sin, becauſe our Perſonal Guilt was, according to them, transferred upon him*; but he finding this Principle to be the Foundation of *Antinomianiſm*, and that this could not be true, he therefore denied *Chriſt's Puniſhment* to be *proper*, as it is *oppoſed to*
Def. 7. *Analogical.* For he ſaith, That *in a proper ſenſe our Sins could never be the Sins of Chriſt, becauſe the ſame Accident cannot belong to divers Subjects.* Which is true: But from thence he concludes, *That ſince our Sins could not be in Chriſt, he could not be ſaid to be properly puniſhed for them; ſince the Guilt of the Fault as ſuch muſt ſtick to the Sinner, but the Guilt of the Fault as to the Puniſhment may be transferred: And becauſe there can be no Puniſhment without reſpect to a Fault, therefore*, he ſaith, *they were Anological Puniſhments on the Account of the Sins of Mankind.* But then, as you truly cite his words, *he makes our Sins not to be the Meritorious Cauſe of them, but a kind of Pro-meritorious or Occaſional Cauſe.*

But we muſt do him right, ſo far as to take notice, that in ſtating the *Socinian Controverſy*, he makes it to conſiſt, *in denying that Chriſt did undergo any Penalty for our Sins as the Meritorious or Pro-meritorious Cauſe, but only as Occaſions.* And yet here he makes the *Pro-meritorious Cauſe and the Occaſional* to be ſame; and he denies, *That our Sins were the Meritorious Cauſe, but only becauſe if we had not ſinned he had not ſuffered.*

Theſe Expreſſions, I grant, taken alone, yield too much to the *Socinians*, who do not deny our Sins to have been *a Remote, Impulſive* and *Occaſional Cauſe of Chriſt's Sufferings*, but deny them to be the *Meritorious Cauſe* of them.

What then? Muſt we give up Mr. *B.* to them? By no means. For how could he be a *Socinian*, who ſo frankly on all occaſions owned the Doctrines of the *Trinity and Satisfaction?* But theſe things may be ſaid for his Vindication.

1. That by laying all the Paſſages together, he muſt mean ſomething more by his *Pro-meritorious Cauſe*, than merely *a Remote Occaſional Cauſe*; becauſe in ſetting down the *Socinian Doctrine*, he plainly diſtinguiſhes between the *Pro-meritorious Cauſe and the Occaſions*; and ſaith, the *Socinians* allow one and not the other. How can this be, if they were the ſame? How came his *Pro-meritorious Cauſe* to be in one place the ſame with *Occaſional*,

Occaſional, and in the other as diſtinct from it as the *Socinian Doctrine* is from ours? Therefore it is but a reaſonable Interpretation of his latter words, to ſuppoſe that he meant more than that our Sins were only a *Remote Occaſion* of Chriſt's Sufferings.

2. A *Meritorious Cauſe* may be conſidered two ways.

1. Antecedently to any Act of the Legiſlator; and as it relates to what follows from *the nature of the thing*, of which Mr. *B.* ſpeaks, and ſo *Inherent Guilt* is the *only Meritorious Cauſe of Puniſhment*; for that doth naturally belong to it, and Puniſhment can be only deſerved by it, as Mr. *B.* truly obſerves.

2. Conſequently to the Legiſlator's Act in admitting another by his own Conſent to undergo the Puniſhment which the Offender deſerved; and ſo the Law transfers the Guilt of the Puniſhment to the innocent Perſon without any Injuſtice; as Mr. *B.* confeſſes, when he allows *vicarious Puniſhments*, or one ſuffering by *voluntary Sponſion* in another's place. Now in this caſe, no Man can ſay, that Antecedently the Fault of the Offender was any more than an *Occaſional Cauſe* of the innocent Perſon's ſuffering; but taking all together, when he is admitted to ſuffer in the place of the Guilty, the Law with the Puniſhment makes the *Impulſive Cauſe* become *Meritorious*, as it is the immediate Reaſon of his Sufferings. The only Queſtion then is, whether this can properly be called a *Meritorious Cauſe*? To anſwer this, that Expreſſion may be taken in two Senſes.

1. In the ſtrict and proper Senſe, and ſo it follows Perſonal and Inherent Guilt; and this your ſelf deny to have been in Chriſt.

2. In the Senſe of the Law; and ſo that which is the near Impulſive Cauſe may be truly ſaid to be Meritorious as to his Sufferings: For our Sins were the immediate Reaſons of them; becauſe they made it an Act of Juſtice, which otherwiſe had been only an Act of Power and Dominion.

3. The main Point in Controverſy between us and the *Socinians*, is not about the Senſe of a *Meritorious* and *Pro-meritorious Cauſe*, and how they are to be diſtinguiſhed from each other; nor about the moſt ſtrict and proper Senſe of Puniſhment, which muſt ſuppoſe Inherent Guilt, which cannot be in the Caſe of our Saviour; (and your ſelf grant, that the Suppoſition is *falſe and blaſphemous*) but it is, whether Chriſt did really undergo the Puniſhment of our Sins, in order to the being a Sacrifice of Atonement for them. And in this we have Mr. *B's* Conſent expreſſed on all Occaſions; and ſome Liberty muſt be allow'd to *Metaphyſical Heads* to ſhew their Skill in Diſtinctions above other Men; and ſometimes when there is no cauſe for them. But we muſt not preſently charge Men with Hereſy for new invented Diſtinctions; wherein they may be allowed to pleaſe themſelves, ſo they do not cumber the Faith with them; nor be too ſharp upon their Brethren for not apprehending the uſe of them.

There is a remarkable Story in the Hiſtory of the *Synod* of *Dort*, which may not be improper in this place. There were in one of the Univerſities of that Country two Profeſſors, both very warm and extremely zealous for that which they accounted the *moſt Orthodox Doctrine*; but it happened, that one of theſe accuſed the other before the Synod for no fewer than 50 *Errors*, tending to *Socinianiſm*, *Pelagianiſm*, &c. and wonderful Heat there was on both ſides. At laſt, a S. Lubbertus. I. Maccovius.

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Committee was appointed to examine this dreadful Charge, and upon Examinations they found no ground for the Charge of *Socinianiſm*, or any other Hereſie, but only that he had aſſerted too much the uſe of *Ambiguous and Scholaſtick Terms*, and endeavoured to bring in the way of the *School-men* in his Writings; and therefore the Synod diſmiſs'd him with that prudent Advice, rather to *keep to the Language of the Scripture than of the Schools.* I ſhall make no Application.

Where we are well aſſured, that Perſons keep to the main Point of Faith, we ought to give the moſt favourable Interpretation to ſome peculiar Modes of ſpeaking, which appear to have more Subtilty and Art in them; for ſome Men will be always ready to ſhew the goodneſs and ſtrength of their Eye-ſight by diſtinguiſhing things quite out of the view of other Men; and ſometimes it is poſſible that they may take the Shadows in their Eyes for real and diſtinct Objects without them. All that I aim at is, to keep Men as much as may be, within the Bounds of the Chriſtian Faith, without raiſing new Difficulties by new Phraſes and Subtilties, which reach not to the common Faith; but if any will do ſo, let not others make more than there is of ſuch Peculiarities, and preſently ſuſpect that they are carrying on Deſigns to undermine the fundamental Articles of our Religion.

But before I diſmiſs this Particular, I muſt take notice of what you ſay relating to it.

P. 3. As, (1.) *That the* Unitarians *in one of their late Pamphlets do ſay, That though Chriſt did not undergo Puniſhment properly ſo called, yet he did ſo in a popular Senſe of Puniſhment; and ſo they grant as much as Mr.* B.

To this I anſwer, That the Caſe is not the ſame: For Mr. *B.* we find on all occaſions aſſerts *Chriſt's being the Eternal Son of God, and taking our Nature upon him, and bearing the Puniſhment deſerved by our Sins, and making Satisfaction to the Father for the Sins of Mankind.* Can any *Unitarian* ſay this, and be ſtill an *Unitarian?* I know their preſent Writers are a ſort of ſlippery Gentlemen, who will pretend to very ſmooth things that you may take no hold of them. And even in the Article of the *Trinity*, which they have endeavoured with all their Buffoonry to expoſe and ridicule, now they find that will not do, they would fain come to Terms of Accommodation, and claim the Benefit of *Explications*; which others, ſay they, are excuſed by. So in one of their lateſt Pamphlets, we are told, *That they profeſs to believe the Article of the Trinity:* they may as well ſay, *They profeſs to believe Tranſubſtantiation*; and may as well call themſelves *Divines* of the *Church of* Rome, *as of the Church of* England. For it is inconſiſtent with *Moral Honeſty*, or *the Probity of a Deiſt*, for any Man who is in his Heart an *Unitarian*, to profeſs himſelf *a Divine of the Church of* England; for he muſt be a *Divine* without *Conſcience*, or any regard to *the Faith* or *Worſhip* which he joins in the profeſſion of. For can any Church more expreſly declare her Senſe as to *the Doctrine of the Trinity* than ours has done, in her *Articles*, *Creeds*, *Doxologies*, *Litanies*, &c. And can any Men that in their Hearts believe not a tittle of it, (as it hath been always underſtood in the Chriſtian Church) yet profeſs themſelves to be *Divines* of ſuch a Church? They may better call themſelves *Jews* and *Mahometans* for they agree far better with them as to the Doctrine of the *Trinity*. But

The grounds and occaſions of the Controverſy concerning the Unity of God, p. 12.

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these Men of Sincerity only pretend *not to litigate about Terms and Words*, and therefore are *for taking them in their own Sense*; and so will interpret away our Creeds, and Articles, and Prayers, if they can but find out some kind of Sense which they can understand them in. And by this new Invention a Man may profess to believe a God, and mean no more by it than *Spinoza* did; so that there can be no certainty of any Mens Faith or Religion by their Professions, and Subscriptions, and outward Acts of Worship. P. 32.

But, say they, *Why may not some mens Explications be allowed as well as others?* For very good Reasons: Because some mens Explications are consistent with the Articles of Faith and others are not; and because some men give not so much occasion to suspect their Sincerity as others do; and for this cause I do think a more favourable Sense ought to be put on Mr. *Baxter*'s words than on theirs.

But their greatest Clamour is, *That such Explications are allowed as infer arrant Tritheism; and although Men out of their Charity may forgive the Tritheism of these Heathenish Writers, yet they can never make Three Infinite Minds to be but one God.* But the true Question is not, *Whether Three Distinct and Separate Minds make Three Gods? But whether Three Persons in the Trinity do so?* And even *Crellius* himself could have told them, *That the holding Three Persons in one and the same Individual Essence cannot make any real or perfect Tritheism.* And although he doth not allow the Notion to be *True* or *Consistent*, yet he thinks the charge of *Tritheism* doth not hold, *because of that close and inseparable union between the Persons and the Divine Essence.* And although men may put a wrong Notion upon *Person* or *Hypothesis*; yet as long as they assert *One Individual Divine Essence* in the *Three Distinct Persons*, the Error lies rather in the Explication than in the Doctrine of the Trinity. But there is a great difference between these, and those who believe no Distinction of Persons at all; and although they would now seem to oppose only the *Tritheistick Doctrine*, as they call it, yet Mankind cannot be so forgetful, as not to call to mind that their first opposition was to what they called the *Athanasian Religion*, or that Doctrine of the Trinity which is contained in the Creed under the Name of *Athanasius*, which we take to be a true *Explication* of it; and therefore those who contradict that, cannot by us be allowed the Benefit of their *Explications*. P. 12, 22. Crell. Eth. Christian. *l.3. c.2.* in Addend. Ed. 1681.

(2.) You object, *That Legal Guilt lying in an Obligation to Punishment, where Punishment is justly inflicted, Guilt must be supposed as a necessary Antecedent thereto.* Of this there is no Question; for Sin and Punishment have a necessary Respect to each other: But the Question is, Whether Personal Guilt must be supposed; for then it follows, either that Christ's Death could not be a Punishment for Sin in any true Sense, or that our *Personal Guilt* must be transferred upon Christ, which you deny. But we say that *Punishment* may be justly inflicted, where there was a Translation of Guilt by Relaxation of the Law as to Personal Offenders, and admitting a Mediator to suffer in their stead. P. 7.

But, say you, *Rectoral Justice doth essentially respect the Law in its Distributions, and never inflicts Sufferings on any but for Sin as their Meritorious Cause. If a Rector sentenceth any to Sufferings without a Regard to Sin, it is unjust. Whatever a Sovereign in exerting Acts of Dominion may*

do

do in this case, a Rector cannot justly inflict Sufferings on an Innocent Person as such. Here I grant, you have come up to the true state of the Case between the *Socinians* and *Us*. For whatever they sometimes seem to pretend, they do not allow Christ's Sufferings to have any Relation to Justice as a *Punishment for Sin in any true Sense*; but only that they were the Exercise of God's Dominion over him, or of his Sovereign Power. It's true, they say, that the Sins of Mankind may be said to have been an Occasional Cause in this Respect, *that if we had not sinned Christ had not suffered:* But this kind of Cause hath no Influence upon the Effect which follows upon it, which is produced by its true and proper Causes. As for instance, a modern Philosopher, of great Esteem among some, hath asserted, *That Mankind are only the Occasional Causes of their own Sensations*, i.e. That nothing done by us in Seeing or Hearing is the Cause of that we call Sensation; but that such a Local Motion being supposed, God himself doth immediately produce in us those Ideas which we call Sensations; and so he takes away all *Efficacy from Second Causes*, and thereby makes Mankind to have lived under a perpetual Delusion, and God to be the Soul of the World. But I only mention it here to shew, that those who assert such *Occasional Causes*, do take away all kind of Efficacy from them. For an *Occasional Cause* is really no Cause at all; but something that is supposed in order to the true Cause's producing its Effect. As the Blessed Virgin *Mary* being at *Bethlehem* in the time of the *Inrolment* was the *Occasional Cause* of our Saviour's being born there; but will any one say, that this was a *True Cause* of our Saviour's being born at *Bethlehem*? And yet we may say, that if there had been no such place as *Bethlehem*, and the Blessed Virgin had not been there, he could not have been born there. And so the Fire of *London* was the *Occasional Cause* of the *Monument*, for if there had been no Fire, there had been no Monument; but will any man say therefore, that this was a Cause of the Monument? The most that can be allowed to an *Occasional Cause* is to make it a Remote *Impulsive Cause*; and so the Misery of Mankind by Sin was the Cause of Christ's Sufferings; as the Diseases of Mankind are the Occasional Cause of the Study and Practice of Physick: for if there had been no Diseases, there would have been no need of Physicians. And this is all that they can make of our Sins being the Causes of Christ's Death, *viz.* that they were an Occasion of his coming to bear the Diseases of Mankind; which because his Preaching the Doctrine of the Gospel could not extend far enough to do, therefore he thought fit to confirm his Doctrine by his Death: Upon which followed the Preaching of it to the World, and upon that Repentance and Amendment of Life; and such a Power in Christ, as to be able to save all such as truly repented.

This is the true Account of the *Socinian Scheme*, after all their Refinings of it in the last Edition of the *Racovian Catechism:* By which it appears that they do not allow the Sufferings of Christ to be a Punishment for Sin in any true and proper Sense; but only an Act of Sovereignty in God. What you say, *That a Rector cannot inflict justly Sufferings on an Innocent Person*, is the *Socinian* Argument against Christ's Satisfaction; but when you add *as such*, I suppose you thereby allow *Christ's Suffering justly* as taking our Sins upon him, which is the thing we assert against them; and *if he suffered justly* on that account, then his

his Sufferings were a true and proper Puniſhment. For whatever is inflicted ſo Sin is ſo, although not in the moſt ſtrict and proper ſenſe, which ſuppoſes inherent Guilt. And this is all that *Grotius* and *Voſſius* mean in the places you cite out of them; *viz.* That our Sins were an Antecedent and Impulſive Cauſe as to Chriſt's Sufferings, and ſo they were a true and proper Puniſhment; but they never could imagine it in the moſt ſtrict and proper Senſe, for they never ſaid that Chriſt ſuffered the very ſame which we were to have ſuffered, which was Puniſhment in the ſtricteſt Senſe; but that which was properly a Puniſhment with reſpect to Sin, and which God accepted as a *full, perfect, and ſufficient Sacrifice for the Sins of Mankind.* P. 39, 40.

The Sum of what I have ſaid on this Argument is this; That the moſt proper Senſe of Puniſhment is that which belongs to Perſonal Guilt; ſo that either Chriſt could not ſuffer the moſt proper Puniſhment, or the Perſonal Guilt of our Sins muſt be transferred upon him. But ſince you deny this, you muſt yield Puniſhment to be taken in a Senſe leſs proper, but yet a true Puniſhment for Sin, and properly ſo called, becauſe Sin was the near Impulſive Cauſe of it. Therefore, thoſe who do aſſert the Sufferings of Chriſt to have been a true Puniſhment for Sin, have no reaſon to be condemned and cenſured as approaching to *Socinianiſm*: For if this hold, all muſt be either *Antinomians* or *Socinians*. But as you deſire to avoid both extremes your ſelf, ſo I hope you will allow your Brethren the ſame liberty, although they may differ in ſome Modes of Expreſſion from you.

(2.) *Of the Change of Perſons between Chriſt and Us; and of Chriſt's ſuffering in our ſtead.*

This Article about the *Commutation of Perſons*, was thought fit to be pitched upon as the Foundation of a new Charge upon Mr. *W*'s Book. From hence a great Heat hath riſen about the Senſe of it; and I perceive by your Appeal, *p.* 43. that there is ſo much *Diſſatisfaction* ſtill among the Diſſenting Brethren, that *they will not renounce the Antinomian Errors till ſatisfaction be given as to what Mr.* W. *is charged with.* Now this to me ſeems to be a very ſtrange method of Proceeding. If they do really think the *Antinomian Errors* to be *Errors* indeed, why muſt the renouncing them depend upon Mr. *W*s giving them ſatisfaction in this matter? Suppoſe the other ſide had ſaid, *That they would not renounce the Socinian or Arminian Doctrines till Mr.* C. *Mr.* Ch. *Mr.* M. *&c. had cleared themſelves of Antinomianiſm.* Would this have been thought a reaſonable Excuſe? Would they not have ſaid, that now they ſhew indeed what Fondneſs they had for thoſe Opinions, when they put it upon ſuch terms which they thought would never be accepted of? If it hold on one ſide, it muſt on the other too. But I ſhall take no advantage of ſuch an unaccountable Stiffneſs, but proceed to an impartial Examination of this matter, as it lies on both ſides; which will require the laying open briefly the Riſe and Progreſs of this Diſpute, and then conſider what Difference there ſtill remains, and what are the beſt means to compoſe it.

1. As to the *Riſe* and *Progreſs* of the Diſpute, we muſt look for it in Dr. *Criſp*, whoſe Opinions Mr. *W.* undertook to confute. Now his words are, *Mark it well, Chriſt himſelf is not ſo compleatly Righteous, but* P. 270.

we are as righteous as he was; nor we so compleatly sinful, but Christ became, being made Sin, as compleatly sinful as we —— So that here is a direct Change; Christ takes our Persons and Condition and stands in our stead, we take Christ's Person and Condition and stand in his stead. These words are not denied to be Dr. *Crisp*'s, and they are no sudden or occasional Expressions, but are grounded upon his main Principle of the Translation of our Personal Guilt upon Christ, and his Personal Righteousness on Believers: So that here is no force or strain upon his words.

Now to this Mr. *W.* saith, *The Difference is, whether there be a Change of Person between Christ and Believers? This the Doctor affirms and I deny.* The Question hence arose, whether these Words could be reasonably extended beyond that Sense in which the Dr. asserted it? None could deny but there might be other Senses of the Change of Persons; but in such a case, by all reasonable ways of interpreting the Sense of ambiguous Words, we must have recourse to the true Occasion of them. And I must declare that I can see no reason for the heat that hath been about the Difference of the Phrase, of *Change of Person, and Change of Persons.* But that I may express my Sense of this matter more distinctly, I shall do it in these particulars.

(1.) That Mr. *W.* did not invent the Phrase of *Change of Person* to cover an ill meaning: But you seem to intimate so much, when you say, *That it was not known till he started it; and that it is a Phrase only adjusted to express no more than what the* Socinians *do constantly grant; and by it, you think, is meant a Change of Christ's Person from Ease to Pain for our Good.* But if you had carefully looked into the words of Dr. *Crisp*, you could not but observe that he took the Phrase from him: *Christ takes our Persons and Condition and stands in our stead, we take Christ's Person and Condition and stand in his stead.* And soon after, *So that if you will reckon well, you must always reckon your self in another's Person, and that other in your Person.* Here is *a Change of Person* owned by Dr. *Cr.* and by it he understands the Translation of Believers Personal Guilt upon Christ, and his Personal Righteousness on them; so that thereby *Christ is become as sinful as they, and they as compleatly righteous as he.* His words can have no other meaning. And not long after, *That Sacrifice of his made the Exchange, that by virtue of this we became that which Christ was, and Christ became that which we were.* Why then do you charge Mr. *W.* with inventing this Phrase to serve the *Socinians*, when he denied it, because he found it used by the *Antinomians*? But how came this Phrase to be invented by Mr. *W.* to gratify the *Socinians*, when he saith that Dr. *Cr.* affirmed the Change of Person, and he denied it? Would he invent it on purpose to serve them, and deny it when he had done? This makes him not very capable of doing them any great Service, if he had a mind to it. But Mr. *W.* saith for himself, *That he did not invent the Phrase of Change of Person, but used and cited it as Dr.* Crisp's; *and that this was all denied, and not a Change of Persons, which he fully asserted.* What is to be done in this case? You charge him with inventing a Phrase to serve the *Socinians*, and he denies the Phrase and the Sense of it; you charge him with denying *the Change of Persons*, and he expressly owns and asserts it.

Def. of the Rep. p. 35.

Answ. to the Defence, p. 91

All

All that I can find that you have to plead for your self is, *That his Friend and Defender denies the Change of Persons, and asserts that a Change of Person may be allowed in a good sense; that he opposes a Change of Persons, and sets up a Change of Person singular.* Suppose all this to be true; what follows? *Then he took a wrong way to defend him.* Grant that, how doth it appear from thence that Mr. *W.* must suffer for the Mistakes of a Friend? And yet even he hath sufficiently cleared his meaning when he saith, *That Mr.* W. *denied nothing, was concerned to deny nothing but what the Dr. had affirmed; but the Dr. had affirmed a wild monstrous Sense of Change of Persons between Christ and the Elect or Believers; and therefore Mr.* W. *did not, could not deny any thing else, according to all the Rules and Laws of pertinent Discourse.* This is plain Reasoning without any quirks of Wit to lessen the force of it. And soon after, setting down Dr. *Crisp*'s words, he saith, *And now you have it, what is that Change of Persons which the Dr. affirms and Mr.* W. *denies, which had he not, he had denied his Redeemer, and betrayed the Gospel.* These are severe Words, but they shew what his true Apprehension was of the Change of Persons as denied by Mr. *W.* which could be no other than that Sense in which Dr. *Cr.* asserted it, whether it be Change of Person, or Change of Persons.

Appeal, p. 16. Defence, p. 30, 31. Appeal, p. 17. Rebuke, p. 38. p. 39.

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Vindication of the *DOCTRINE of the TRINITY:* With an Answer to the late *Socinian* Objections against it from *Scripture*, *Antiquity* and *Reason*. And a PREFACE, Concerning the different *Explications* of the *Trinity*, and the Tendency of the present *Socinian* Controversie.

The PREFACE.

WHen I was desir'd, not long since, to reprint the Discourse lately published, concerning the Doctrine of Christ's Satisfaction, I thought it necessary to look into the Socinian Pamphlets, (which have swarmed so much among us within a few Years) to see how far an Answer had been given in them to any of the Arguments contained in it; but I found the Writers of them thought it not for their purpose to take any notice at all of it; but rather endeavour'd to turn the Controversie quite another way, and to cover their true Sense under more plausible Expressions. Of which I have given a full account in the Preface to the late Edition of it. But among those Treatises (which for the general good of the Nation are gather'd into Volumes and dispers'd abroad, to make either Proselytes or Infidels) I found one, wherein there is pretended to be an Answer to my Sermon about the Mysteries of the Christian Faith, (reprinted with the former Discourse) and therein I meet with a passage, which hath given occasion to this Vindication. For there are these Words, That I had utterly mistaken, in thinking that they deny the Articles of the new Creed, or *Athanasian* Religion, because they are Mysteries, or because, *say they*, we do not comprehend them; we deny them, because we do comprehend them; we have a clear and distinct Perception, that they are not Mysteries, but Contradictions, Impossibilities and pure Nonsense. *Which Words contain in them so spiteful, so unjust, and so unreasonable a Charge upon the Christian Church in general, and our own in particular, that I could not but think my self concerned, especially since they are addressed to me, to do what in me lay (as soon as my uncertain State of Health would permit) towards the clearing the fundamental* Mystery of the Athanasian Religion, *as they call it, viz.* The Doctrine of the Trinity, (*which is chiefly struck at by them*) *without running into any* new Explications, *or laying aside any* old terms, *for which I could not see any just occasion.*

For however thoughtful Men may think to escape some particular difficulties better, by going out of the common Roads; yet they may meet with others which they did not foresee, which may make them as well as others judge it, at last, a wiser and safer course to keep in the same way, which the Christian Church hath

uſed, ever ſince it hath agreed to expreſs her Senſe in ſuch Terms, *which were thought moſt proper for that purpoſe. For in ſuch caſes, the Original and Critical Signification of Words is not ſo much to be attended, as the uſe they are applied to, and ſince no other can be found more ſignificant or proper for that end; it looks like yielding too great advantage to our Adverſaries, to give up the Boundaries of our Faith. For although there be a difference between the neceſſary Article of Faith it ſelf, and the manner of expreſſing it, ſo that thoſe may truly believe the Subſtance of it, who differ in the Explication; yet ſince the Senſe of the Article hath been generally received under thoſe Terms, there ſeems to be no ſufficient reaſon to ſubſtitute new ones inſtead of the old, which can hardly be done without reflecting on the Honour of the Chriſtian Church, and giving occaſion for very unreaſonable Heats and Diſputes, among thoſe, who, if we may believe their own Words, agree in the ſame fundamental Doctrine,* viz. *a* Trinity *in* Unity, *or* three Perſons *in the* ſame undivided divine Eſſence.

I am ſo little a Friend to any ſuch Heats and Differences among our ſelves, eſpecially when we are ſo violently attacked by our common Adverſaries, that were there no other reaſon, I ſhould for the ſake of that alone forbear making uſe of new Explications; *but there is another too obvious, which is, the mighty advantage they have taken from hence to repreſent our Doctrine as* uncertain, *as well as* unintelligible. *For as ſoon as our* Unitarians *began to appear with that Briskneſs and Boldneſs they have done now for ſeveral Years, ſome of our Divines thought themſelves oblig'd to write in Defence of the Doctrine of the Trinity. Thence came ſeveral Anſwers to them, and in* ſeveral Methods, *as the Perſons thought moſt ſubſervient to the ſame end; but whatever their Intentions were, our Adverſaries were too much pleaſed to conceal the Satisfaction which they took in it. For ſoon after, we had the* ſeveral Explications *ſet forth and compared with each other; and all managed ſo, as to make the Cauſe to ſuffer by the diſagreement of the Advocates for it. And from hence they have formed a* fivefold Trinity.

1. *The* Ciceronian Trinity; *becauſe* Tully *had uſed the Word* Perſonæ *for different Reſpects*; Suſtineo ego tres Perſonas; *and according to this Acceptation,* Three Perſons in the Godhead *are no more than* three Relations, Capacities or Reſpects of God to his Creatures, *which ſay they,* is downright Sabellianiſm, and is no manner of Myſtery, but the moſt intelligible and obvious thing in the World. 2. The *Carteſian* Trinity, which maketh three divine Perſons, and three infinite Minds, Spirits and Beings to be but one God. 3. The *Platonick* Trinity, of three divine Co-eternal Perſons, whereof the ſecond and third are ſubordinate or inferiour to the firſt in Dignity, Power and all other Qualities, except only Duration. 4. The *Ariſtotelian* Trinity, which ſaith the Divine Perſons are one God, becauſe they have one and the ſame numerical Subſtance. 5. The Trinity of the *Mobile*, or that which is held by the common People, or by ſuch lazy Divines, who only ſay in ſhort, that it is an unconceivable Myſtery; and that thoſe are as much in fault who go about to explain it, as thoſe who oppoſe it.

Conſiderat. on the Explications of the Doctrine of the Trinity, by Dr. W. &c. p. 10.

p. 9.

But that which hath made the moſt noiſe, and cauſed the greateſt Heat and Ferment among us, hath been a difference firſt begun between two learned Divines of our Church, about the ſecond and fourth; and the account which our Unitarians *give of both, is this,* That the one is a rational and intelligible Explication, but not true nor Orthodox; the other is true and Orthodox; but neither rational, intelligible nor poſſible. *I do not mention this, as though their Words were to be taken as to either; but only to ſhew what advantage they take from both, to repreſent that which is ſet up for the Churches Doctrine, either not to be* truly ſo, *or to be neither* rational nor intelligible.

p. 13.

The deſign *of the following* Diſcourſe, *is to make it appear,* (1.) *That the Churches Doctrine, as to the Trinity, as it is expreſſed in the* Athanaſian Creed, *is not liable to their charges of* Contradiction, Impoſſibilities and pure Nonſenſe.

ſenſe. (2.) *That we own no other Doctrine than what hath been received by the Chriſtian Church in the ſeveral Ages from the Apoſtles Times:* (3.) *And that there are no Objections in point of reaſon, which ought to hinder our Aſſent to this great point of the Chriſtian Faith.*

But the chief Deſign *of this* Preface, *is to remove this Prejudice which lies in our way from the different* manners *of* Explication, *and the warm Diſputes which have been occaſion'd by them.*

It cannot be denied, that our Adverſaries have taken all poſſible advantage againſt us from theſe unhappy differences; and in one of their lateſt Diſcourſes they glory in it, and think they have therein out-done the foreign Unitarians: For, *ſay they,* We have ſhewed, that their Faiths concerning this pretended Myſtery are ſo many and ſo contrary, that they are leſs one Party among themſelves, than the far more learned and greater number of them are one Party with us: *this is ſpoken of thoſe they call* Nominal Trinitarians; *and for the other whom they call* Real, *they prove them guilty of* manifeſt Hereſie; *the one they call* Sabellians, *which they ſay is the ſame with* Unitarians, *and the other* Polytheiſts or diſguiſed Pagans, *and they borrow arguments from one ſide to prove the charge upon the other; and they confidently affirm that all that ſpeak out in this* matter, *muſt be driven either to* Sabellianiſm, *or* Tritheiſm. *If they are* Nominal Trinitarians, *they fall into the former, if* Real *into the latter.* *Diſcourſe concerning the Real and Nominal* Trinitarians, *A. D. 1695, p. 3. Letter to the Univerſities, p. 15.*

This is the whole Deſign of this late Diſcourſe, which I ſhall here examine, that I may remove this ſtumbling Block, before I enter upon the main buſineſs.

1. *As to thoſe who are called* Nominal Trinitarians. *Who are they? And from whence comes ſuch a Denomination? They tell us,* That they are ſuch who believe three Perſons, who are Perſons in Name only; indeed and in truth they are but one ſubſiſting Perſon. *But where are theſe to be found?* Among all ſuch, *ſay they,* as agree that there is but one only and ſelf-ſame divine Eſſence and Subſtance. *But do theſe aſſert, that there is but* one ſubſiſting Perſon, *and* three only in Name? *Let any one be produced who hath written in defence of the Trinity; for thoſe who have been moſt charged, have utterly deny'd it. That learned Perſon, who is more particularly reflected upon in this Charge, is by them ſaid to affirm,* That God is one divine intellectual Subſtance, or really ſubſiſting Perſon, and diſtinguiſhed and diverſified by three relative Modes, or relative Subſiſtences. *And Mr.* Hooker *is produced to the ſame purpoſe,* That there is but one Subſtance in God, and three diſtinct relative Properties, which Subſtance being taken with its peculiar Property, makes the diſtinction of Perſons in the Godhead. *But ſay they,* Theſe Modes and Properties do not make any real ſubſiſting Perſons; but only in a Grammatical and Critical Senſe, and at moſt this is no more than one Man may be ſaid to be three Perſons on the account of different Relations, as *Solomon* was Son of *David,* Father of *Rehoboam,* and proceeding from *David* and *Bathſheba,* and yet was but one ſubſiſting Perſon. *This is the force of what they ſay. But then in a triumphing manner they add,* That the Realiſts have ſo manifeſt an advantage againſt them, that they have no way to defend themſelves but by Recrimination, *i. e. by ſhewing the like Abſurdity in their Doctrine. And thus they hope either ſide will baffle the other, and in the mean time, the Cauſe be loſt between them.* *Diſcourſe of Nominal and Real* Trinit. *p. 7.* p. 10. p. 11. p. 13.

But in ſo nice a matter as this, we muſt not rely too much on an Adverſary's Repreſentation; for the leaving out ſome expreſſions, may make an Opinion look with another Appearance, than if all were taken together, it would have. We muſt therefore take notice of other paſſages which may help to give the true Senſe of the learned Author, who is chiefly aimed at.

1. *In the very ſame Page he aſſerts,* That each of the divine Perſons has an abſolute Nature diſtinctly belonging to him, though not a diſtinct abſolute Nature; *and to the ſame purpoſe in another place.* Tritheiſm *charged*, &c. p. 157.

Animadv. p. 245. Animadv. &c. p. 243. 2. That the eternal Father is and subsists as a Father, by having a Son, and communicating his Essence to another. *And elsewhere, that* the Relation between Father and Son is founded on that eternal Act, by which the Father communicates his divine Nature to the Son.

Ib. p. 240. 3. *That the* foundation *of the* Doctrine of the Trinity *is this*, 1. That there can be but one God. 2. That there is nothing in God, but what is God. 3. That there can be no composition in the Deity with any such positive real Being, distinct from the Deity it self. But the Church finding in Scripture mention of three, to whom distinctly the Godhead does belong, expressed these three by the Name of Persons, and stated their Personalities upon three distinct Modes of Subsistence, allotted to one and the same Godhead, and these also distinguished from one another by three distinct Relations.

What do these Men mean, to charge one who goes upon these grounds with Sabellianism? *Doth he make the three Persons to be mere Names, as St.* Basil. Ep. 64. Basil *in few Words expresses the true nature of* Sabellianism, *that it was* ἓν πρᾶγμα πολυώνυμον, One thing with different Denominations? *Can the* communicating the divine Essence by the Father to the Son, *be called a* Name, *or a* Mode, *or a* Respect *only? And these Men of wonderful Subtilty, have not learnt to distinguish between* Persons *and* Personalities.

Where is the least Intimation given, that he look'd on the divine Persons as Modes *and* Respects *only? That is impossible, since he owns a* Communication of the divine Essence, and that each of the divine Persons hath the divine Nature belonging to him; *could it ever enter into any Man's head to think, that he that owns this should own the other also? But the* Personality *is a thing of another consideration. For it is the reason of the distinction of Persons in the same undivided Nature. That there is a distinction, the Scripture assures us; and withall, that there is but one divine Essence. How can this distinction be? Not by essential Attributes, for those must be in the divine Essence, and in every Person alike, otherwise he hath not the entire divine Nature; not by accidents, as Men are distinguished from each other, for the divine Nature is not capable of these; not by separate or divided Substances, for that would be inconsistent with the perfect Unity of the Godhead; since therefore there can be no other way of distinction, we must consider how the Scripture directs us in this case; and that acquaints us with the* Father, Son and Holy Ghost, *as having* mutual Relation *to each other; and there is no Repugnancy therein to the* Divine Nature, *and therefore the distinction of the Persons hath been fixed on that, as the most proper Foundation for it. And these are called different* Modes *of* Subsistence, *on which the distinct* Personalities *are founded, which can be no other than* relative. *But a* Person *is that which results from the divine Nature and Subsistence together; and although a Person cannot be said to be a* relative, *consider'd as such, yet being joyned with the manner of Subsistence, it doth imply a* Relation, *and so a Person may be said to be a* relative Being.

Consider. at. on the Explication, p. 23. *But say they*, If the three Persons have all the same individual Substance, then they are truly and properly only three Modes; and therefore although among Men, Personalities are distinct from the Persons, because the Persons are distinct intelligent Substances, yet this cannot hold where there is but one individual Substance.

The Question is, Whether those they call Nominal Trinitarians, *are liable to the charge of* Sabellianism; *the answer is, That they cannot, because they assert far more than* three Names, *viz.*, That each Person hath the divine Nature distinctly belonging to him. *But say they*, These Persons are but mere Modes. No, *say the other*; We do not say that the Person is only a *Modus*, but that it is the divine Nature, or Godhead subsisting under such a

Animad. p. 291.

Modus,

Modus, so that the Godhead is still included in it, joyned to it, and distinguished by it. Grant all this, *the Unitarians reply*, yet where there is the same individual Substance, the Person can be only a *Modus*. *To which it is answer'd*, That this individual Substance hath three distinct ways of subsisting, according to which it subsists distinctly and differently in each of the three divine Persons. *So that here lies the main point, whether it be* Sabellianism, *to assert the same individual Substance under three such different Modes of Subsistence. If it be, the most learned and judicious of the Fathers did not know what* Sabellianism *meant* (*as I have shewed at large in the following Discourse*) *for they utterly disowned* Sabellianism, *and yet asserted*, That the several Hypostases consisted of peculiar Properties in one and the same divine Substance. *But it is not the Authority of Fathers which they regard, for they serve them only as Stones in the Boys way when they quarrel*, viz. *to throw them at our Heads.*

Tritheism charged, p. 306.

Chap. VII.

Let us then examine this matter by reason without them. Persons among Men, *say they*, are distinguished from Personalities, because they have distinct Substances, therefore where there is but one Substance, the Person can be only a Mode, and therefore the same with the Personality.

I answer, that the true original Notion of Personality *is no more than a different Mode of subsistence in the same common Nature. For every such Nature is in it self one and indivisible; and the more perfect it is, the greater must its Unity be. For the* first Being *is the most* One; *and all* Division *comes from* Distance, *and* Imperfection. *The first foundation of* Distinction *is Diversity; for if there were no Diversity, there would be nothing but entire and perfect Unity. All Diversity comes from two things*, Dissimilitude *and* Dependance. *Those Philosophers* (*called* Megarici) *did not think much amiss, who said*, That if all things were alike, there would be but one Substance or being in the World; *and what we now call* different Substances, *would be only different Modes of Subsistence in the same individual Nature. The difference of Substances in created Beings, arises from these two things*, 1. *A Dissimilitude of Accidents, both internal and external.* 2. *The Will and Power of God, whereby he gives them distinct and separate Beings in the same common Nature. As for instance, the Nature and Essence of a Man consider'd in it self, is but one and indivisible; but God gives a separate Existence to every Individual, whereby that common Nature subsists in so many distinct Substances, as there are Individuals of that kind; and every one of these Substances is distinguished from all others, not only by a separate internal vital Principle and peculiar Properties, but by such external Accidents, as do very easily discriminate them from each other. And the subject of all these Accidents is that* peculiar Substance, *which God hath given to every Individual, which in rational Beings is called a* Person; *and so we grant that in all such created Beings, the* Personality *doth suppose a distinct Substance; not from the Nature of Personality, but from the Condition of the Subject wherein it is. The* Personality *in it self is but a different Mode of Subsistence in the same common Nature, which is but* One; *but this Personality being in such a subject as Man is, it from thence follows, that each Person hath a peculiar Substance of his own; and not from the* Nature *of* Personality. *But when we come to consider a divine Essence, which is most perfectly one, and is wholly uncapable of any separate Existence or Accidents, there can be no other way of distinction conceived in it, but by different* Modes *of* Subsistence, *or* relative Properties *in the same divine Essence. And herein we proceed, as we do in our other Conceptions of the divine Nature*, i. e. *we take away all Imperfection from God, and attribute only that to him, which is agreeable to his divine Perfections, although the manner of it may be above our comprehension. And if this be owning the* Trinity of the Mob, *I am not ashamed to own my self to be one of them; but it is not out of* Lazyness *or* affected Ignorance, *but upon the greatest and most serious consideration.* They

Letter to the Univerſity, p. 15. *They may call this a* Trinity of Cyphers, *if they pleaſe, but I think more modeſt and decent Language about theſe matters would become them as well as the things themſelves much better. And they muſt prove a little better than they have done, that different Modes of Subſiſtence in the divine Nature, or the relations of Father and Son are* mere Cyphers, *which is ſo often mentioned in Scripture, as a matter of very great conſequence; and that when we are baptized in the* Name of the Father, Son and Holy Ghoſt, *we are baptized into a* Trinity of Cyphers.

Diſcourſe of Nominal and real Trinitarians. p. 10. Tritheiſm charged, &c. p. 157. *But our* Unitarians *proceed, and ſay, that the ſame Author* affirms not only the Perſonalities, but the Perſons to be merely Relative. *For he ſaith,* That every Perſon, as well as every Perſonality in the Trinity, is wholly Relative. *But it is plain he ſpeaks there, not of the* Perſon in himſelf, *but with reſpect to the* manner of Subſiſtence, *or the relative Properties belonging to them. But if the Notion of a Perſon doth beſides the relative Property, neceſſarily ſuppoſe the divine Nature together with it; how can a Perſon then be imagined to be wholly Relative? But they urge,* That which makes the firſt Perſon in the Trinity to be a Perſon, makes him to be a Father, and what makes him to be a Father, makes him to be a Perſon. *And what follows from hence, but that the relative Property is the Foundation of the Perſonality? But by no means, that the Perſon of the Father is nothing but the relative Property? The inſtance of* Solomon *is not at all to the Purpoſe, unleſs we aſſerted three Perſons founded upon thoſe different Relations in his individual Nature. Who denies, that one Perſon may have different Reſpects, and yet be but one Perſon ſubſiſting? Where doth the Scripture ſay,* That the Son of *David*, the Father of *Rehoboam*, and he that proceeded from *David* and *Bathſheba were* three Perſons *diſtinguiſhed by thoſe* relative Properties? *But here lies the foundation of what we believe as to the Trinity; we are aſſured from Scripture, that there are three to whom the divine Nature and Attributes are given, and we are aſſured both from Scripture and Reaſon, that there can be but one divine Eſſence; and therefore every one of theſe muſt have the divine Nature, and yet that can be but One. But it is a moſt unreaſonable thing to charge thoſe with* Sabellianiſm, *who aſſert,* That every Perſon hath the divine Nature diſtinctly belonging to him, *and that* the divine Eſſence is communicated from the Father to the Son. *Did ever* Noetus *or* Sabellius, *or any of their Followers ſpeak after this manner? Is the divine Eſſence but a* mere Name, *or a* different reſpect *only to Mankind? For the aſſerting ſuch relative Perſons as have no Eſſence at all, was the true* Sabellian Doctrine, *as will be made appear in the following Diſcourſe. And ſo much is confeſs'd by our* Unitarians *themſelves, for they ſay,* That the *Sabellians* held, that Father, Son and Spirit are but only three Names of God given to him in Scripture, by occaſion of ſo many ſeveral Diſpenſations towards the Creature, and ſo he is but one ſubſiſting Perſon and three relative Perſons; as he ſuſtains the three Names of Father, Son and Spirit, which being the Relations of God towards things without him, he is ſo many relative Perſons, or Perſons in a Claſſical Critical Senſe, *i. e. Perſons without any Eſſence belonging to them as ſuch. But thoſe who aſſert a* Communication of the divine Eſſence *to each Perſon can never be guilty of* Sabellianiſm, *if this be it, which themſelves affirm. And ſo thoſe called* Nominal Trinitarians, *are very unjuſtly ſo called, becauſe they do really hold a* Trinity *of* Perſons *in the* Unity of the Godhead.

Diſcourſe of Nominal and Real. Unit. p. 18.

Diſcourſe of Nom. &c. p. 19. 2. *Let us now ſee what charge they lay upon thoſe whom they call* Real Trinitarians; *and they tell us,* That the Nominals will ſeem to be profound Philoſophers, deep Sages in compariſon with them. *Theſe are very obliging expreſſions to them in the beginning. But how do they make out this groſs Stupidity of theirs? In ſhort it is,* That they ſtand condemned and anathematized as Hereticks by a general Council, and by all the Moderns, and are every day

day challenged and impeached of Tritheism, and cannot agree among themselves, but charge one another with great Absurdities; *and in plain terms they charge them* with Nonsense in the thing, whereas the other lay only in Words. Because these assert three divine subsisting Persons, three infinite Spirits, Minds or Substances, as distinct as so many Angels or Men, each of them perfectly God, and yet all of them are but one God. *To understand this matter rightly, we must consider, that when the* Socinian Pamphlets *first came abroad, some Years since, a learned and worthy Person of our Church, who had appear'd with great vigour and reason against our* Adversaries *of the Church of* Rome *in the late Reign (which ought not to be forgotten) undertook to defend the* Doctrine *of the* Trinity *against the* History of the Unitarians, *and the* Notes on the Athanasian Creed; *but in the warmth of disputing, and out of a desire to make this matter more intelligible, he suffer'd himself to be carried beyond the ancient Methods which the Church hath used to express her Sense by, still retaining the same fundamental Article of* three Persons in one undivided Essence, *but explaining it in such a manner, as to make each Person to have a* peculiar and proper Substance of his own. p. 32.

This gave so great an advantage to the Author *of those* Treatises, *that in a little time he set forth his Notes with an Appendix in answrr to this* new Explication. *Wherein he charges him with* Heresie, Tritheism *and* Contradiction. *The very same charges which have been since improved and carried on by others; I wish I could say, without any unbecoming Heat or Reflections.* Consideration on the Explication of the Trinity, p. 12.

But I shall now examine how far these charges have any ground, so as to affect the Doctrine *of the* Trinity, *which is the chief end our* Adversaries *aimed at, in heaping these Reproaches upon one who appeared so early, and with so much zeal to defend it. We are therefore to consider these things:*

1. *That a Man may be very right in* the Belief *of* the Article *it self; and yet may be mistaken in his* Explication *of it. And this one of his* keenest Adversaries *freely acknowledges. For he plainly distinguishes between* the fundamental Article *and the* manner *of* explaining *it, and affirms,* That a Man may quit his Explication without parting with the Article it self. *And so he may retain the* Article *with his* Explication. Tritheism charged, &c. p. 309.

But suppose a Man to assent to the fundamental Article *it self, and be mistaken in his Explication of it, can he be charged with* Heresie *about this* Article? *For* Heresie *must relate to the fundamental* Article *to which he declares his hearty and unfeigned Assent; but here we suppose the mistake to lie only in the* Explication. *As for instance,* Sabellianism *is a condemned and exploded Heresie, for it is contrary to the very Doctrine of the Trinity; but suppose one who asserts the Doctrine of* three Persons, *should make them to be* three Modes, *must such a one presently be charged with* Heresie, *before we see whether his Explication be consistent with the fundamental* Article *or not? For this is liable to very obvious Objections, that the Father begets a Mode instead of a Son, that we pray to three Modes instead of three real Persons, that Modes are mutable things in their own Nature,* &c. *but must we from hence conclude such a one guilty of Heresie, when he declares, that he withall supposed them not to be mere Modes, but that the divine Essence is to be taken together with the Mode to make a Person? Yea, suppose some spiteful Adversary should say, That it is a Contradiction to say, That the same common Nature can make a Person with a Mode superadded to it, unless that be individuated, for a Person doth imply an individual Nature, and not a mere relative Mode. Is this sufficient to charge such a Person with the* Sabellian Heresie, *which he utterly disowns? Is not the like Equity to be shew'd in another though different Explication? Suppose then a Person solemnly professes to own the fundamental Doctrine of the Trinity as much as any others; but he thinks, that three Persons must have distinct Substances to make them Persons, but so as to make no Division or Separation in the Godhead; and that he cannot conceive*

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a Communication of the divine Essence without this; must this presently be run down as Heresie, *when he asserts at the same time three Persons in the same undivided Essence? But this is said to be a* Contradiction; *so it was in the other case and not allow'd then, and why should it be otherwise in this? I speak not this to justifie such Explications, but to shew that there is a difference between the* Heresie *of denying an* Article, *and a mistake in the Explication of it. Even the greatest Heresie-makers in the World, distinguish between Heresies and erroneous Explications of Articles of Faith, as any one may find that looks into them. And even the* Inquisitors *of* Heresie *themselves allow the distinction between* Heresie *and an erroneous Proposition in Faith, which amounts to the same with a mistaken* Explication *of it; and they all grant that there may be Propositions that tend to Heresie or savour of it, which cannot be condemned for Heretical.*

Direct. Inquisit. *part II. quest. 2.* p. 226. *And even* Pegna *condemns* Melchior Canus *for being too cruel in asserting it to be Heresie, to contradict the general Sense of Divines, because the* Schools *cannot make* Heresies.

Modest examin. p. 19. 2. *It is frequently and solemnly affirmed by him,* That the Unity of the Godhead is the most real, essential, indivisible, inseparable Unity; that there is but one divine Nature, which is originally in the Father, and is substantially communicated by the Father to the Son, as a distinct subsisting Person, by an eternal ineffable Generation, and to the Holy Ghost by an eternal and substantial Procession from Father and Son. *Do the others who maintain a Trinity deny this? By no means. For we have already seen that they assert the same thing. So that they are fully agreed as to the main fundamental Article. And even the* Unitarians *yield, that from the beginning he asserted,* That the three divine Persons are in one undivided Substance. *Wherein then lies the foundation of this mighty Quarrel, and those unreasonable Heats that Men have fallen into about it; to the great scandal of our Church and Religion? In short it is this; that the same Author asserts,* (1.) That it is gross Sabellianism to say, That there are not three personal Minds, or Spirits, or Substances. (2.) That a distinct substantial Person must have a distinct substance of his own, proper and peculiar to his own Person. *But he owns,* that although there are three distinct Persons, or Minds, each of whom is distinctly and by him self God, yet there are not three Gods, but one God, or one Divinity; *which he saith,* is intirely, and indivisibly, and inseparably in three distinct Persons or Minds. *That the same one* divine Nature is wholly and intirely communicated by the eternal Father to the eternal Son, and by the Father and Son to the eternal Spirit without any Division or Separation; and so it remains one still.

P. 27. 28. *Notes on Athanasius his Creed, Edit. 2. p. 19. Modest examin. p. 15.* p. 17. p. 29. p. 30.

This is the substance of this new Explication, *which hath raised such Flames, that* Injunctions *from* Authority *were thought necessary to suppress them? But those can reach no farther than the restraint of Mens Tongues and Pens about these matters, and unless something be found out to satisfie their Minds, and to remove Misapprehensions, the present Heat may be only cover'd over and kept in; which when there is a vent given, may break out into a more dangerous Flame.*

Therefore I shall endeavour to state and clear this matter so as to prevent any future Eruption thereof, which will be done by considering how far they are agreed, and how far the remaining difference ought to be pursued.

1. *They are agreed,* That there are three distinct Persons and but one Godhead.

2. That there are no separate and divided Substances in the Trinity; but the divine Nature is wholly and entirely one and undivided.

3. That the divine Essence is communicated from the Father to the Son, and from both to the holy Spirit. *So that the charge of* Sabellianism *on those who*

who reject this new Explication *is without ground. For no* Sabellian *did or could assert a* Communication of the divine Essence.

Which being agreed on both sides, the Dispute turns upon this single point, whether a communicated Essence, *doth imply a* distinct Substance *or not. On the one side it is said,* That there being but one God, there can be but one divine Essence, and if more Essences more Gods. *Remarks upon the examinat. p. 33.*

On the other side, that since they own a communicated Essence necessary to make a distinction of Persons in the Son and Holy Ghost, if the Essence be not distinct, the foundation of distinct Personalities is taken away. *But how is this clear'd by the other Party? They say,* That it is one peculiar Prerogative of the divine Nature and Substance, founded in its infinite and therefore transcendent Perfection, whereby it is capable of residing in more Persons than one, and is accordingly communicated from the Father to the Son and Holy Ghost. *Remarks p. 34.*

So that the Communication of the divine Nature is owned to the Persons of the Son and Holy Ghost. *But how then comes it not to make a distinct Essence, as it makes distinct Persons, by being communicated?*

The answer we see is, That it is a peculiar Prerogative founded on the infinite and therefore transcendent Perfection of the divine Nature. *But they farther add,* That when the Son and Holy Ghost are said to have the same divine Nature from the Father, as the Origin and Fountain of the Divinity; not by the Production of a new divine Nature, but by a Communication of his own; which is one and the same in all three without Separation, Difference, or Distinction; that this is indeed a great Mystery, which hath been always look'd upon by the greatest and wisest Men in the Church, to be above all Expressions and Description. *p. 35.*

So that the greatest difficulty *is at last resolved into the incomprehensible Perfection of the divine* Nature; and that neither Man nor Angels can give a satisfactory answer to Enquiries about the manner of them. *And* the Author *of* the Animadversions *saith,* That in the divine Persons of the Trinity, the divine Nature and the personal Subsistence coalesce into one, by an incomprehensible, ineffable kind of Union and Conjunction. *Ibid. Animadv. p. 36.*

But do those on the other side think, that the asserting three distinct Substances in one and the same individual Substance tends to clear and explain the Notion of the Trinity and make it more easie and intelligible? The Divinity, *they say,* is whole, intire, indivisible, and inseparable in all three. *But can one whole intire indivisible Substance be actually divided into three Substances? For if every Person must have a peculiar Substance of his own; and there be three Persons, there must be three peculiar Substances, and how can there be three peculiar Substances, and yet but one entire and indivisible Substance? I do not say, there must be three divided Substances in place, or separate Substances, but they must be divided as three Individuals of the same kind, which must introduce a* Specifick Divine Nature, *which I think very inconsistent with the divine Perfections; but of this at large in the following Discourse.* *Modest examin p. 39.*

I do not lay any force upon this argument, that there can be no ground of the Distinction between the three Substances, if there be but one Substance in the Godhead, (*as some have done*) because the same Substance cannot both unite and distinguish them; *for the ground of the distinction is not the* Substance *but the* Communication *of it, and where that is so freely asserted, there is a reason distinct from the* Substance *it self, which makes the* Distinction of *Persons.* *Tritheism charged, p. 262.* *p. 264.*

But the difficulty still remains, how each Person should have a Substance of his own; and yet there be but one entire and indivisible Substance, for every Person *must have a proper Substance of his own; or else according to this* Hypothesis, *he can be no Person; and this peculiar Substance must be really distinct from that*

Substance which is in the other two: so that here must be three distinct Substances in the three Persons. But how then can there be but one individual Essence in all three? We may conceive one common Essence to be individuated in three Persons, as it is in Men; but it is impossible to conceive the same individual Essence to be in three Persons, which have peculiar Substances of their own. For the Substances belonging to the Persons, are the same Essence individuated in those Persons: and so there is no avoiding making three individual Essences and one specifick or common divine Nature. And Maimonides *his Argument is considerable against more Gods than one;* If, *saith he,* there be two Gods, there must be something wherein they agree, and something wherein they differ; that wherein they agree must be that which makes each of them God; and that wherein they differ must make them two Gods. *Now wherein doth this differ from the present* Hypothesis? *There is something wherein they differ, and that is their proper Substance; but* Maimonides *thought that* wherein they differ'd *sufficient* to make them two Gods. *So that I fear it will be impossible to clear this* Hypothesis *as to the reconciling* three individual Essences *with* one individual divine Essence, *which looks too like asserting that there are three Gods and yet but one. And the* Author *of this Explication doth at last confess,* that three distinct whole inseparable Sames, are hard to conceive as to the manner of it. *Now to what purpose are* new Explications *started, and Disputes raised and carried on so warmly about them if after all, the main difficulty be confess'd to be above our Comprehension? We had much better satisfie our selves with that Language which the Church hath receiv'd and is express'd in the* Creeds, *than go about by new Terms, to raise new Ferments, especially at a time when our united Forces are most necessary against our common Adversaries. No wise and good Men can be fond of any new* Inventions, *when the Peace of the Church is hazarded by them. And on the other side, it is as dangerous to make* new Heresies *as* new Explications. *If any one denies* the Doctrine *contained in the* Nicene Creed, *that is no* new Heresie; *but how can such deny the Son to be consubstantial to the Father, who assert one and the same indivisible Substance in the Father, and the Son?* But they may contradict themselves. *That is not impossible on either side. But doth it follow that they are guilty of Heresie?* Are not three Substances and but one a Contradiction? *No more, say they, than that a* communicated Substance *is not distinct from that which did communicate. But this whole dispute we find is at last resolved into the infinite and unconceivable Perfections of the Godhead, where it is most safely lodged; and that there is no real* Contradiction *in the* Doctrine *it self, is part of the design of the Discourse afterwards.*

More Nevoch, par. II. c. 1.

Modest examin. p. 30.

But here it will be necessary to take notice of what the Unitarians *have objected against this* new Explication, *viz.* That it was condemned by the Ancients in the Person of *Philoponus*; in the middle Ages, in the Person and Writings of *Abbot Joachim*; but more severely since the Reformation, in the Person of *Valentinus Gentilis*, who was condemned at *Geneva*, and beheaded at *Bern* for this very Doctrine.

Consider at. on the Explication of the Trinity, &c. p. 12.

To these I shall give a distinct answer:

1. *As to* Joh. Philoponus, *I do freely own, that in the* Greek Church, *when in the sixth Century he broached his Opinion,* That every Hypostasis must have the common Nature individuated in it, *this was look'd upon as a Doctrine of dangerous consequence, both with respect to the* Trinity *and* Incarnation. *The latter was the first occasion of it; for as* Leontius *observes, the dispute did not begin about the* Trinity, *but about the* Incarnation; *and* Philoponus *took part with those who asserted but one Nature in Christ after the Union, and he went upon this ground, That if there were two* Natures *there must be two* Hypostases, *because* Nature *and* Hypostasis *were the same. Then those on the Churches side, saith* Leontius, *objected, That if they were the same, there must be three distinct*

Leont. de Sectis Act. 5.

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Natures in the Trinity, as there were three Hypoſtaſes; *which* Philoponus *yielded, and grounded himſelf on* Ariſtotle's *Doctrine, that there was but one common Subſtance and ſeveral individual Subſtances, and ſo held it was in the* Trinity, *whence he was called the leader of the* Hereſie of the Tritheiſts. *This is the account given by* Leontius *who lived very near his time*, A. D. 620. *The ſame is affirmed of him by* Nicephorus, *and that he wrote a Book on purpoſe about the Union of two Natures in Chriſt, out of which he produces his own Words concerning a common and individual Nature, (which he calls* μεσικωτάτην ὕπαρξιν*) which can agree to none elſe. And the main argument he went upon was this, that unleſs we aſſert a ſingular Nature in the* Hypoſtaſes, *we muſt ſay, that the whole* Trinity *was incarnate; as unleſs there be a ſingular humane Nature diſtinct from the common, Chriſt muſt aſſume the whole Nature of Mankind. And this argument from the* Incarnation, *was that which made* Roſcelin, *in the beginning of the diſputing Age*, A. D. 1093, *to aſſert*, That the three Perſons were three things diſtinct from each other, as three Angels or three Men, becauſe otherwiſe the Incarnation of the ſecond Perſon could not be underſtood, *as appears by* Anſelm's *Epiſtles, and his* Book of the Incarnation *written upon that occaſion. But as* Anſelm *ſhews at large, if this argument hold, it muſt prove the three Perſons not only to be* diſtinct, *but* ſeparate *and divided* Subſtances, (*which is directly contrary to this* new Explication) *and then there is no avoiding* Tritheiſm. *But to return to* Joh. Philoponus, *who, ſaith* Nicephorus, *divided the* indiviſible Nature of God into three Individuals as among Men: Which, *ſaith he*, is repugnant to the Senſe of the Chriſtian Church; *and he produces the Teſtimony of* Gregory Nazianzen *againſt it, and adds, that* Leontius *and* Georgius Piſides *confuted* Philoponus.

Niceph. Calliſt. *l.* 18. c. 46, 47.

Anſelm. epiſt. l. 2. ep. 41. De fide Trinit. &c. c. 3.

But in that divided time, there were ſome called Theodoſiani, *who made but* one Nature and one Hypoſtaſis; *and ſo fell in with the* Sabellians; *but others held*, That there was one immutable divine Eſſence, but each Perſon had a diſtinct individual Nature; *which the reſt charged with* Tritheiſm. *Which conſequence they utterly rejected, becauſe although they held* three diſtinct Natures, *yet they ſaid*, They were but one God, becauſe there was but one invariable Divinity in them. Nicephorus *ſaith, that* Conon's Followers *rejected* Philoponus; *but* Photius *mentions a conference between* Conon *and others, about* Philoponus, *wherein he defends him againſt other* Severians. Photius *grants, that* Conon *and his Followers* held a conſubſtantial Trinity and the Unity of the Godhead, and ſo far they were Orthodox; *but ſaith*, They were far from it, when they aſſerted proper and peculiar Subſtances to each Perſon. *The difference between* Conon *and* Philoponus *about this point*, (*for* Conon *wrote againſt* Philoponus *about the Reſurrection*) *ſeems to have been partly in the Doctrine, but chiefly in the conſequence of it; for theſe rejected all kind of* Tritheiſm, *which* Philoponus *ſaw well enough muſt follow from his Doctrine, but he denied any real Diviſion or Separation in thoſe Subſtances as to the Deity.* Iſidore *ſaith*, That the Tritheiſts owned three Gods, as well as three Perſons; and that if God be ſaid to be Triple, there muſt follow a Plurality of Gods. *But there were others called* Triformiani, *of whom St.* Auguſtin *ſpeaks*, Who held the three Perſons to be three diſtinct parts, which being united made one God; which, *ſaith he*, is repugnant to the divine Perfection.

C. 48.

C. 49.

Phot. Biblioth. Cod. 24.

Phot. Cod. 23.

Iſid. Orig. l. 7. de hæret. de Trinit.

Aug. de hæreſ. c. 74.

But among theſe Severians, *there were three ſeveral Opinions:*

1. *Of* Philoponus, *who held one common Nature and three Individual.*

2. *Of thoſe who ſaid there was but one Nature and one* Hypoſtaſis.

3. *Of thoſe who affirm'd there were three diſtinct Natures, but withal, that there was but* one indiviſible Godhead; *and theſe differ'd from* Philoponus *in the main ground of* Tritheiſm, *which was, that he held the* common Nature *in the* Trinity, *to be only a* ſpecifick Nature, *and ſuch as it is among Men. For*

Philoponus *himself in the words which* Nicephorus *produces, doth assert plainly, that the common Nature is separated from the Individuals,* τῇ ψιλῇ ἐπινοίᾳ, *by a meer act of the Mind; so that he allow'd no individual Unity in the divine Nature, but what was in the several Persons; as the common Nature of Man is a Notion of the Mind, as it is abstracted from the several Individuals, wherein alone it really subsists; so that here is an apparent difference between the Doctrine of* Joh. Philoponus *and the* new Explication, *for herein the most real, essential and* indivisible Unity of the divine Nature *is asserted; and it is said to be* no Species, *because it is but one, and so it could not be condemned in* Joh. Philoponus.

Modest examin. p. 19

2. *We now come to* Abbat Joachim, *whose Doctrine seems to be as much mistaken, as it is represented in the* Decretal, *where the Condemnation of it by the* Lateran Council *is extant. But here I cannot but observe what great Authority these* Unitarians *give to this* Lateran Council, *as if they had a Mind to set up* Transubstantiation *by it, which they so often parallel with the Trinity. Thence in their late Discourse they speak of it as* the most general Council that was ever called, and that what was there defined, it was made Heresie to oppose it. *But by their favour, we neither own this to have been a* general Council, *nor that it had* Authority *to* make that Heresie *which was not so before. But that Council might assert the Doctrine of the Trinity truly, as it had been receiv'd, and condemn the Opinion of* Joachim *justly. But what it was, they do not or would not seem to understand.* Joachim *was a great* Enthusiast, *but no deep Divine (as Men of that Heat seldom are) and he had many Disputes with* Peter Lombard *in his Life, as the Vindicator of* Joachim *confesses. After his Death, a Book of his was found, taxing* Peter Lombard *with some strange Doctrine about the* Trinity, *wherein he called him* Heretick *and* Madman; *this Book was complained of in the* Lateran Council, *and upon Examination it was found, that instead of charging* Peter Lombard *justly, he was fallen into Heresie himself, which was denying the essential Unity of the three Persons, and making it to be Unity of Consent. He granted that they were* one Essence, one Nature, one Substance: *But how? Not by any* true proper Unity, *but* Similitudinary and Collective, *as they called it, as many Men are one People, and many Believers make one Church. Whence* Thomas Aquinas *saith, that* Joachim fell into the Arian Heresie. *It is sufficient to my purpose, that he denied the individual Unity of the divine Essence, which cannot be charged on the Author of the* new Explication, *and so this comes not home to the purpose.*

Discourse of Real and Nominal Trinit. p. 4.

Greg de Lau. Apol. Joachim Abbat, c. 66. Decret. Greg. l. 1. c. 2.

Comment. in decret. opusc. 24.

3. *But the last charge is the most terrible, for it not only sets down the* Heresie, *but the capital punishment which follow'd it. Yet I shall make it appear, (notwithstanding the very warm Prosecution of it by another hand) that there is a great difference between the Doctrine of* Valentinus Gentilis, *and that which is asserted in this Explication.*

Brief Account of Valentin. Gentilis, p. 132.

1. *In the Sentence of his Condemnation it is expressed,* That he had been guilty of the vilest Scurrility and most horrid Blasphemies against the Son of God, and the glorious Mystery of the Trinity. *But can any thing of this Nature be charged upon one, who hath not only written in Defence of it, but speaks of it with the highest Veneration?*

Ibid.

2. *In the same Sentence it is said,* That he acknowledged the Father only to be that infinite God which we ought to worship, which is plain Blasphemy against the Son. *But can any Man ever think to make this the same case with one, who makes use of that as one of his chief arguments,* That the three Persons are to be worshiped with a distinct divine Worship.

Modest examin. p. 20.

3. *It is charged upon him,* That he called the Trinity a meer human Invention, not so much as known to any Catholick Creed, and directly contrary to the Word of God. *But the Author here charged, hath made it his business to*

prove

prove the Doctrine of the Trinity to be grounded on Scripture, and to vindicate it from the Objections drawn from thence againſt it. Brief Account, &c. p. 40.

4. *One of the main Articles of his charge was,* That he made three Spirits of different Order and Degree, that the Father is the one only God, by which the Son and Holy Ghoſt are excluded manifeſtly from the Unity of the Godhead; *But the Perſon charged with his Hereſie ſaith,* The Reaſon why we muſt not ſay three Gods, is, becauſe there is but one and the ſame Divinity in them all; and that intirely, indiviſibly, inſeparably. Brief Account, &c. p. 41, 42, 43, 45. Modeſt examin. p. 29.

But it is ſaid, that although there may be ſome differences, yet they agree in aſſerting, That there are three diſtinct eternal Spirits or Minds in the Trinity; *and* Genebrard *is brought into the ſame Hereſie with them. But* Genebrard *with great indignation rejects the Doctrine of* Valentinus Gentilis, *becauſe he held an Inequality in the Perſons, and denied the individual Unity of the Godhead in them; but he ſaith, he follow'd* Damaſcen *in aſſerting* three real Hypoſtaſes; *and he utterly denies* Tritheiſm, *and he brings a multitude of reaſons, why the charge of* Tritheiſm *doth not lie againſt his Opinion, although he owns the* Hypoſtaſes *to be* three diſtinct individuals, *but then he adds,* That there is an iudiviſible and inſeparable Union of the divine Nature in all three Perſons. Genebrard de Trinit. l. 2. p. 91. l. 2. p. 159. P. 153.

Now to deal as impartially in this matter as may be, I do not think our underſtandings one jot helped in the Notion of the Trinity by this Hypotheſis; but that it is liable to as great difficulties as any other, and therefore none ought to be fond of it, or to ſet it againſt the general Senſe of others, and the current Expreſſions of Divines about theſe Myſteries; nor to call the different Opinons of others Hereſie *or* Nonſenſe, *which are provoking Words, and tend very much to inflame Mens Paſſions, becauſe their Faith and Underſtanding are both call'd in queſtion, which are very tender things.*

But on the other ſide, a difference ought to be made between the Hereſie and Blaſphemy of Valentinus Gentilis, *and the Opinion of ſuch who maintain the* individual *and* indiviſible Unity *of the Godhead; but withal, believe that every Perſon hath an individual Subſtance as a Perſon, and that* Sabellianiſm *cannot be avoided otherwiſe. Wherein I think they are miſtaken, and that the Fathers were of another Opinion; and that our Church owns but* one Subſtance in the Godhead, *as the Weſtern Church always did, (which made ſuch difficulty about receiving* three Hypoſtaſes, *becauſe they took* Hypoſtaſis *for a* Subſtance) *but yet I ſee no reaſon why thoſe who aſſert three* Hypoſtaſes, *and mean three individual Subſtances ſhould be charged with the Hereſie of* Valentinus Gentilis, *or or ſo much as with that of* Abbat Joachim *or* Philoponus, *becauſe they all rejected the* individual Unity of the divine Nature, *which is conſtantly maintained by the Defenders of the other* Hypotheſis.

But it is ſaid and urged with vehemency, that theſe two things are inconſiſtent with each other; that it is going forward and backward, being Orthodox in one Breath and otherwiſe in the next; that all this looks like ſhuffling and concealing the true meaning, and acting the old Artifices under a different Form. For the Samoſatenians *and* Arians, *when they were pinched, ſeem'd very Orthodox in their Expreſſions, but retained their Hereſies ſtill in their Minds; and there is reaſon to ſuſpect the ſame Game is playing over again, and we cannot be too cautious in a matter of ſuch Conſequence.*

I grant very great caution is needful, but the mixture of ſome Charity with it will do no hurt. Why ſhould we ſuſpect thoſe to be inwardly falſe, and to think otherwiſe than they ſpeak, who have ſhew'd no want of Courage and Zeal, at a time when ſome thought it Prudence to ſay nothing, and never call'd upon their Superiors *than to own* the cauſe of God, *and to do their Duties as they have now done, and that in no very obliging manner? And if the ſame Men can be cool and unconcerned at ſome times, (when there was ſo great reaſon to be otherwiſe)*

wise) and of a sudden grow very warm, and even to boil over with Zeal; the World is so ill natur'd, as to be too apt to conclude there is some other cause of such an alteration than what openly appears. But there is a kind of bitter Zeal, *which is so fierce and violent, that it rather inflames than heals any Wounds that are made; and is of so malignant a Nature, that it spreads and* eats like a Cancer, *and if a stop were not given to it, it might endanger the whole Body. I am very sensible how little a Man consults his own ease, who offers to interpose in a dispute between Men of Heat and Animosity; but this moves me very little, when the interest of our Church and Religion is concerned, which ought to prevail more than the fear of displeasing one or other Party, or it may be both. I do heartily wish, that all who are equally concerned in the common Cause, would lay aside Heats, and Prejudices, and hard Words, and consider this matter impartially; and I do not question, but they will see cause to judge, as I do, that the difference is not so great as our Adversaries for their own advantage make it to be. And since both sides yield, that the matter they dispute about is above their reach, the wisest course they can take is to assert and defend what is revealed, and not to be too peremptory and quarrelsome about that which is acknowledged to be above our comprehension; I mean as to the* manner *how the three Persons partake of the divine Nature.*

Oderat rixas & jurgia, præsertimque inter eruditos; ac turpe esse dicebat viros indubitatè doctos canina rabie famam vicissim suam rodere ac lacerare scriptis trucibus, tanquam vilissimos de plebe cerdones in Angiportis sese luto ac stercore conspurcantes. *Nic. Rigalt. vit. P. Puteani*, p. 48.

It would be of the most fatal Consequence to us, if those Weapons, which might be so usefully imploy'd against our common Adversaries, should still be turned upon one another. I know no manner of advantage they have against us, but from thence, and this is it which makes them write with such Insolence and Scorn towards those who are far their Superiors in Learning and Wit, as well as in the Goodness of their Cause. And is it possible that some of our most skilful Fencers should play Prizes before them, who plainly animate them against each other for their own Diversion and Interest? Sometimes one hath the better, sometimes the other, and one is cried up in Opposition to the other, but taken alone is used with the greatest Contempt. One Man's Work is said to be learned and accurate, *and the more, because it follows,* that he concerns not himself with the Socinians. *The wiser Man no doubt, for that Reason. At another time it is called the* Birth of the Mountains, *and the Author parallel'd with no less a Man than* Don Quixot, *and his elaborate Writings with his Adventures, and they ridicule his Notion of* Modes *as if they were only so many* Gambols and Postures. *And then for his Adversary, they hearten and incourage him all they can; they tell him,* He must not allow to the other the least Tittle of all he contends for, *least their sport should be spoiled; and to comfort him, they tell him, that his Adversary is a* Socinian *at bottom, and doth not know it; that all his* Things, Modes, Properties *are* only an Addition of Words and Names, and not of Persons properly so called, *and that his whole* Scheme *is nothing but* Socinianism drest up in the absurd Cant of the Schools. *That* his Book hath much more Scurrility than Argument, that his usage of him was barbarous, and a greater Solœcism in Manners, than any he accuses him of in Grammar or Speech; *and in short,* That his Explication of the Trinity is a great Piece of Nonsense, (*though it comes so near to* Socinianism.) *But how doth the other* Antagonist *escape? What, nothing but good Words to him? In this place they had a mind to keep him in heart, and only charge him with a* Heresie *which they laugh at; but in another place, they set him out with such colours, as shew they intended only to play one upon the other. They charge him not only with* Heresie *but* Polytheism, Which, *they say,* is next to Atheism; *that his Vindication is a* supercilious, disdainful and peevish Answer: that he had neither Humanity nor good Manners left; that there is nothing considerable in his Books but what he borrow'd from Them. *These are some of the*

Considerat. on the Explication by Dr. W. &c. p. 12. p. 13. p. 22. p. 23. p. 25. p. 19. p. 13. *Defence of the Notes on Athanasius his Creed*, p. 24. p. 31.

the Flowers which they beſtow on theſe Perſons of Reputation in Polemick Squabble *as they call it, which plainly ſhew, that their aim is, as much as may be, to divide and then to expoſe us. And ſhall we ſtill go on to gratifie this inſulting Humour of theirs, by contending with one another, and afford them ſtill new matter for Books againſt both? As we may ſee in their late Diſcourſe about* Nominal *and* Real Trinitarians, *which was intended for a* rare ſhew, *wherein the two Parties are repreſented as combating with one another, and they ſtand by and triumph over theſe* Cadmean Brethren, *as they call them.*

Neither are they the Socinians *only, but thoſe who deſpiſe all Religion (who I doubt are the far greater number) are very much entertained with ſuch encounters between Men of Wit and Parts, becauſe they think, and they do not think amiſs, that Religion it ſelf will be the greateſt ſufferer by them at laſt: And this is the moſt dangerous, but I hope not the moſt prevailing Party of Men among us. The* Socinians *profeſs themſelves Chriſtians, and I hope are ſo, (eſpecially if but One Article of Faith be required to make Men ſo) but I cannot but obſerve that in the late* Socinian *Pamphlets, there is too ſtrong a biaſs towards* Deiſm, *(which conſideration alone ſhould make us unite and look more narrowly to their ſteps.) I do not charge their Writers with a profeſſed deſign to advance* Deiſm *among us; but their way of managing their Diſputes, is as if they had a mind to ſerve them. And ſuch Men who are Enemies to all revealed Religion, could not find out better Tools for their purpoſe than they are. For they know very well, that in ſuch a Nation as ours, which is really concerned for the Profeſſion of Religion one way or other, there is no opening profeſſed Schools of* Atheiſm; *but the deſign muſt be carried on under ſome ſhew of Religion. And nothing ſerves their turn ſo well, as ſetting up natural Religion in oppoſition to Revealed. For this is the way by degrees to looſen and unhinge the Faith of moſt Men, which with great reaſon is built on the Scripture as the ſureſt foundation.*

But here it is fit to obſerve the ſeveral ſteps they take in order to this advancing Deiſm, *and how our* Unitarians *have complied with all of them.*

I. *The firſt point they are to gain is,* The leſſening the Authority *of Scripture, and if this be once done, they know Mens Minds will be left ſo roving and uncertain, that they will ſoon fall into* Scepticiſm *and* Infidelity.

II. *The next is, to repreſent* Church-men *as* Perſons of Intereſt and Deſign, *who maintain Religion only becauſe it ſupports them; and this they call* Prieſt-Craft, *and if they can by this means take away their Authority too, the way lies ſtill more open for them; for it is more eaſie to make a Prey of the Flock, when the Shepherds are ſuſpected only to look after their Fleeces. Since ſuch a ſuſpicion takes away all Truſt and Confidence in their Guides; and they know very well, how little others will be able to defend themſelves.*

III. *Another ſtep is, to magnifie the* Deiſts *as Men of* Probity and good Senſe; *that aſſert the juſt Liberties of Mankind, againſt that terrible thing called* Prieſt-Craft; *and that would reſcue Religion from falſe Gloſſes and abſurd Notions taken up from the* Schools *and taught in the* Univerſities, *on purpoſe to keep under thoſe Principles of univerſal Liberty as to Opinions, which thoſe of freer Minds endeavour to promote. But eſpecially they are great Enemies to all* Myſteries of Faith, *as unreaſonable Impoſitions on thoſe of more refined Underſtandings, and of* clear and diſtinct Preceptions, *as they have learnt to expreſs themſelves. Theſe they account intolerable Uſurpations on Men of ſuch* Elevations *as themſelves; for* Myſteries *are only for the* Mob, *and not for Perſons of ſuch* noble *Capacities.*

IV. *The laſt thing is, to repreſent all Religions as indifferent, ſince they agree in the common Principles of natural Religion, eſpecially the Unity of God, and all the reſt is but according to the different Inventions of Men, the skill of the Contrivers, and the ſeveral Humors and Inclinations of Mankind.*

Theſe

These are the chief Mysteries *of* Deism *in our Age; for even* Deism *hath its* Mysteries, *and it is it self a* Mystery of Iniquity, *which I am afraid is too much* working already *among us, and will be more if no effectual stop be put to it.*

I call it Deism, *because that Name obtains now, as more plausible and modish; for* Atheism *is a rude unmannerly Word, and exposes Men to the Rabble, and makes Persons shun the company and avoid the Conversation and Dealing with such who are noted for it. And this would be a mighty Prejudice to them, as to their Interests in this World, which they have reason to value.*

But to be a Deist, *seems to be only a setting up for having more Wit, than to be cheated by the* Priests, *and imposed upon by the common Forms of Religion, which serve well enough for ordinary People that want Sense, and are not skill'd in Demonstrations; but the Deists are so wise as to see through all these things. And therefore this name gains a Reputation among all such as hate Religion, but know not how otherwise to distinguish themselves from professed Atheists, which they would by no means be taken for; although if they be pressed home, very few among them will sincerely own any more than a Series of Causes, without any intellectual Perfections, which they call* God. *A strange God without Wisdom, Goodness, Justice or Providence!*

But I am now to shew, how in all these points the present Unitarians *have been very serviceable to them, in the Books, which they have lately published and dispersed both in City and Countrey.*

1. *As to the Authority of Scripture: They have been already justly exposed for undermining the Authority of St.* John's Gospel, *by mustring up all the Arguments of the old* Hereticks *against it, and giving no answers to them. And what defence have they since made for themselves? No other but this very trifling one, that they* repeat their Reasons but do not affirm them. *What is the meaning of this? If they are true, why do they not affirm them? If they are false, why do they not answer them? Is this done like those who believe the* Gospel of St. John *to be* divine, *to produce all the arguments they could meet with against it; and never offer to shew the Weakness and Unreasonableness of them? Doth not this look like a design to furnish the* Deists *with such arguments as they could meet with against it? Especially, when they say,* That St. *John* doth not oppose them. *Why then are these Arguments produced against his Gospel? Men do not use to dispute against their Friends, nor to tell the World what all People have said against them, and give not a word of answer in vindication of them. But they say,* The modern *Unitarians* allow of the Gospel and other Pieces of St. *John. A very great favour indeed,* to allow of them. *But how far? As of divine Authority? Not a word of that. But as ancient Books which they think it not fit for them to dispute against. But if* the ancient *Ebionites* were their Predecessors, *as they affirm, they can allow none but* the Gospel according to the *Hebrews; and must reject the rest and all St.* Paul's Epistles; *and in truth, they make him argue so little to the purpose, that they must have a very mean Opinion of his Writings. But of these things in the Discourse it self.*

Vindication of the Archbishop's Sermons. p. 5.
Answer to Dr. Bull, p. 47.
History of the Unitarians, p. 10.

As to Church-men, *no professed* Deists *could express themselves more spitefully than they have done, and that against those to whom they profess the greatest respect. What then would they say of the rest? They say in general,* That it is natural to Worldlings, to mercenary Spirits, to the timorous and ambitious; in a word, to all such as prefer not God before all other, whether Persons or Considerations to believe as they would have it.

Consider. on the Explication by the Archbishop, &c. p. 13.

But although the Words be general, yet any one that looks into them may soon find that they were intended for such Church-men who had written against their Opinions. And the Insinuation is, that if it were not for worldly Interests, they would own them to be in the right. Whereas I am fully perswaded,

that

that they have no way to defend their Opinions, but to reject the Scriptures and declare themselves Deists; *and as long as we retain a just Veneration for the Scriptures, we can be of no other Opinion, because we look on their Interpretations as unreasonable, new, forced, and inconsistent with the circumstances of Places, and the main Scope and Tenor of the New Testament. But their Introduction to the Answer to the late* Archbishop's *Sermons about the* Trinity *and* Incarnation, *shew their Temper sufficiently as to all Church-men. He was the Person they professed to esteem and reverence above all others, and confess that he instructs them* in the Air and Language of a Father, (*which at least deserved a little more dutiful Language from them.*) *But some Mens fondness for their Opinions breaks all bounds of Civility and Decency; for presently after, mentioning the* Archbishop *and other* Bishops *who had written against them, they say it signifies nothing to the case.* That they are great Pensioners of the World. For it is certain we have a mighty Propensity to believe as is for our Turn and Interest. *And soon after, that their Opposers* are under the power of such fatal Biasses, that their Doctrine is the more to be suspected because it is theirs. For the reason why they maintain the Doctrine of the Trinity is, because they must. *The plain meaning of all this is, that the late Archbishop (as well as the rest) was a* mere self-interested Man, (*which none who knew either the* outside *or* inside *of* Lambeth *could ever imagine*) *that* if he were really against them (*as none could think otherwise, who knew him so well and so long as I did*) *it only shew'd* what a strange Power, Interest hath in the Minds of all Church Men.

Answer to the Archbish. Serm. p. 43.

p. 44.

But what Biass *was it, which made him write with that strength and judgment against their Opinions? Let us set aside* all Titles of Respect and Honour *as they desire, let Reason be compared with Reason; and his Arguments with their Answers; and it will be soon found that the advantage which he had, was not from any other* Dignity *than that of a clearer Judgment, and a much stronger way of Reasoning. Whereas their Answers are such, as may well be supposed to come from those, who had some such* Bias, *that they must at least seem to answer what in truth they could not. As hath been fully made appear in the* Vindication *of him, to which no reply hath been given, although other Treatises of theirs have come out since. In the* Conclusion *of that* Answer *they say,* That they did not expect that their Answer should satisfie us, *and in truth they had a great deal of reason to think so. But what reason do they give for it? A very kind one no doubt;* because Prepossession and Interest have taken hold of us. *As though we were Men of such mean and mercenary Spirits, as to believe according to* Prepossession *without Reason, and to act only as serves our present* Interest. *But we never made mean* Addresses *to* Infidels *to shew how near our Principles came to theirs, nor made Parallels between the* Trinity *and* Transubstantiation, *as some did, and defended them, as well as they could, when Popery was uppermost. But enough of this.*

Answer to the Archbishop. p. 65.

3. *We have seen how much they have gratified the* Deists *by representing Churchmen in such a manner, let us now see in what manner they treat the* Deists. *It is with another sort of Language; and which argues a more than ordinary kindness to them, in one place they say,* That the Deists are mostly well-natured Men, and Men of Probity and Understanding; in effect that they are sincere honest-hearted Men, who do good by the impulse of their natural Religion, Honesty and good Conscience, which have great Influence upon them. *What another sort of Character is this from that of the greatest, and in their Opinion the best of our Clergy? This must proceed from some Intimacy and Familiarity with them; and it is easie to imagine from hence, that they are upon very good Terms with one another, because they must be* Unitarians, *if they believe a God at all.*

Some thoughts upon Dr. Sh. Vindication. p. 21.

But where else are these honest conscientious Deists *to be found?*

It is rare indeed for others to find any one that rejects Christianity out of pure Conscience, and that acts by Principles of sincere Virtue. I never yet could meet with such, nor hear of those that have. And I would fain know the reasons on which such conscientious Men proceeded; for truly the Principles of natural Religion are those which recommend Christianity to me; for without them the Mysteries of Faith *would be far more unaccountable than now they are; and supposing them, I see no incongruity in them,* i. e. *That there is a just and holy God, and a wise Providence, and a future State of Rewards and Punishments; and that God designs to bring Mankind to happiness out of a State of Misery; let these be supposed, and the Scheme of Christianity will appear very reasonable and fitted to the Condition and Capacity of Mankind. And the sublimest Mysteries of it are not intended to* puzzle *or* amuse Mankind, *as weak Men imagine; but they are discover'd for the greatest and best purposes in the World, to bring Men to the hatred of Sin and Love of God, and a* patient continuance in well-doing, *in order to a* blessed Immortality. *So that this is truly a* Mystery of Godliness, *being intended for the advancement of real Piety and Goodness among Mankind, in order to make them happy. But as to these* Unitarians, *who have such happy acquaintance with these* conscientious Deists; *I would fain learn from them, if they think them mistaken, why they take no more pains to satisfie and convince them; for I find they decline saying a word against them. In one place they compare the* Atheist *and* Deist *together; and very honestly and like any* conscientious Deists, *they impute* all the Deism and most part of the Atheism of our Age to the Doctrines of the Trinity and Incarnation.

Letter of Resol. concerning the Trinity and Incar. p. 18.

Is it possible for Men that live in our Age to give such an account as this of the Growth of Deism *and* Atheism *among us? What number of* Atheists *is there, upon any other account than from a looseness of Thinking and Living? Where are those who believe God to be an incomprehensible Being, and yet reject the* Mysteries *which relate to his Being, because they are incomprehensible? Suppose any reject* spiritual Substance as Nonsense and Contradiction, *as they do the* Trinity *on the same Pretences. Is this a sufficient reason or not? They may tell them, as they do us that they can have no* Ideas, *no* clear and distinct Perceptions *of* immaterial Substances? *What answer do they give in this case? Not a Syllable; although they take notice of it. But I hope they give some better satisfaction to the* Deist; *No, for they say,* This is not a place to argue against either Atheist or Deist. *By no means: some would say, They were not such Fools to fall out with their Friends. And it cannot be denied, that they have been the greatest Incouragers of such kind of Writings, which serve their turn so well; and in pure Gratitude they forbear to argue against them.*

Letter of Resol. p. 5.

IV. *To shew how near they come to an Indifferency in Religion, they speak favourably of* Mahometans, *and* Jews, *and even* Tartars, *because they agree with them in the Unity of the Godhead. What an* honest-hearted Deist *do they make that Impostor* Mahomet? *One would hardly think such a Character could have come out of the Mouth of Christians. But these are their Words,* Mahomet is affirmed by divers Historians to have had no other design in pretending himself to be a Prophet, but to restore the Belief of the Unity of God, which at that time was extirpated among the *Eastern Christians* by the Doctrines of the Trinity and Incarnation. *Who are those Historians who give this Character of him? Why are they not named, that their Authority might be examin'd? Was the* Morocco Ambassador *one of them? Or* Paulus Alciatus, *who from an* Unitarian *turned* Mahometan? *But by the best accounts we can meet with, we find that he was a very cunning Impostor, and took in from the* Jews *and* Ishmaelites *his Countrymen, Circumcision; from the Christians, an honourable mention of Christ, as* a Prophet, and as the Word and Spirit of God, and owned his Miracles; *from the ancient Hereticks he denyed his Suffering but owned his being taken up into Heaven. Yea, he owned,* That he had his Gospel from Heaven;

Letter of Resol. concerning the Trinity and Incar. p. 18.

Elmacin hist. Sarac. p. 4. Levin. Warner. de Alcoran.

ven; but that his Disciples changed it after his Death, and attributed more to Christ than he assumed to himself. *Which shews that he had so much Sence, as to discern, that if the Books of the New Testament were genuine, more must be given to Christ, than either* Mahomet *or the* Unitarians *do allow. Let any indifferent Reader compare their Character of* Mahomet *with that of* Athanasius, *which these Men give, and they will easily find that they take as much care to blacken one, as they do to vindicate the other. What Christian Ingenuity is here? But* Mahomet *was a* Deist, *and* Athanasius *a* Trinitarian. *But they go on.* Acts of Athanasius, p. 5.

Whatsoever the design of *Mahomet* was, it's certain, that *Mahometism* hath prevailed over greater Numbers and more Nations, than at this day profess Christianity. *But how? Was it not by force of Arms, and the Prevalency of the* Saracen *and* Turkish *Empire?* No, *say these learned Historians*, It was not by the Force of the Sword, but by that one Truth in the Alcoran, the Unity of God. *It were endless to quote the Historians, who say, That it was* Mahomet's *Principle*, to subdue all by force of Arms who opposed his Religion; *but the Authority of* Elmacinus *alone is sufficient; for in the beginning of his* History *he owns that it was his Principle*, To make War upon those that would not submit to his Law. *And others say, that in remembrance of this*, Their Law is expounded by their Doctors, with a Sword drawn by them, and that it is the Law of the Alcoran to kill and slay those that oppose it. *What liberty the Turkish Empire allows to Christians* in the conquer'd Provinces *is not to this purpose, but by what means* Mahometism *prevailed in the World.* Ricard. contut. legis Saracen. c. 10.

But say they, The Jews as well as Mahometans are alienated from us, because they suppose the Trinity to be the Doctrine of all Christians. *And what then? Must we renounce the Christian Doctrine to please the* Jews *and* Mahometans? *Must we quit Christ's being the* Messias, *because the* Jews *deny it? Or the suffering of Christ, because the* Mahometans *think it inconsistent with his Honour?*

But if this be the truth of the case, as to Jews *and* Mahometans; *no Persons are so well qualified to endeavour their Conversion, as our* Unitarians; *which would be a much better imployment for them, than to expose the Christian Doctrine by such Writings among us. I am ashamed to mention what they say of the* Tartars, *when they call them*, The Shield and Sword of that way of acknowledging and worshiping God. *So that* Mahometans, Jews *and* Tartars, *are fairly represented because they agree in the grand Fundamental of the Unity of the Godhead; but the Christian Church is charged with believing* Impossibilities, Contradictions, and pure Nonsense. Letter of Resol. p. 19.

And thus we find our Unitarians *serving the* Deists *in all their methods of overthrowing Revealed Religion and advancing* Deism *among us. And if this will not awaken us to look more after them, and unite us in the defence of our Common Cause against them, I do not think that other Methods will do it. For it is become a restless and active, although as yet, but a small Body of Men, and they tell the World plainly enough, that they are* free from the Biasses of Hopes and Fears; and sit loose from the Awes and Bribes of the World. *So that there is no way of dealing with them, but by shewing the falseness and weakness of the grounds they go upon; and that they have no advantage of us as to* Scripture, Antiquity *or* Reason; *which is the Design of this Undertaking.* Answer to the Archbishop. p. 44. p. 66.

Worcester, Sept. 30. 1696.

E. W.

A

DISCOURSE

In Vindication of the *Doctrine of the TRINITY.*

WITH

An Answer to the late SOCINIAN Objections.

CHAP. I.

The Occasion and Design of this Discourse.

IT is now above twenty years since I first published *a Discourse about the reasons of the Sufferings of Christ*, (lately reprinted) in answer to some *Socinian* Objections at that time. But I know not how it came to pass, that the *Socinian* Controversie seemed to be laid asleep among us for many years after; and so it had continued to this day, if some Mens busie and indiscreet Zeal for their own particular Opinions (or other *Heresies*) had not been more prevalent over them, than their Care and Concernment for the common Interest of Christianity among us. For it is that which really suffers by these unhappy and very unseasonable Disputes about the *Mysteries of the Christian Faith*, which could never have been started and carried on with more fatal consequence to all revealed Religion, than in an Age too much inclined to Scepticism and Infidelity. For all who are but well-wishers to that, do greedily catch at any thing which tends to unsettle Mens Minds as to matters of Faith, and to expose them to the scorn and contempt of Infidels. And this is all the advantage which they have above others in their Writings. For upon my careful Perusal of them (which was occasion'd by reprinting that Discourse) I found nothing extraordinary, as to depth of Judgment, or closeness of Reasoning, or strength of Argument, or skill in Scripture or Antiquity, but the old stuff set out with a *new dress*, and too much suited to the *Genius* of the Age we live in, *viz.* Brisk and airy, but withal too light and superficial. But although such a sort of Raillery be very much unbecoming the weight and dignity of the Subject, yet that is not the worst part of the Character of them; for they seem to be written not with a design to convince others, or to justifie themselves, but to *ridicule* the great *Mysteries of our Faith*, calling them, *Jargon*, *Cant*, *Nonsense*, *Impossibilities*, *Contradictions*, *Samaritanism*, and what not? Any thing but *Mahometism* and *Deism*. And at the same time they know, that we have not framed these Doctrines our selves; but have received them

Considerat. on the explications of the Trinity, by Dr. W. &c. p. 22, 32.
Defence of the History of the Unit p. 5.
Answer to the Archbishop's Sermon, p. 4.

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by as universal a Tradition and Consent of the Christian Church, as that whereby we receive the Books of the New Testament, and as founded upon their Authority. So that, as far as I can see, the truth of these Doctrines and authority of those Books must stand and fall together: For from the time of the writing and publishing of them, all Persons who were admitted into the Christian Church by the *Form of Baptism*, prescribed by our Saviour, were understood to be received Members upon profession of *the Faith of the Holy Trinity*; the *Hymns* and *Doxologies* of the Primitive Church were to *Father, Son, and Holy Ghost*; and those who openly opposed *that Doctrine* were cast out of the Communion of it; which to me seem plain and demonstrative Arguments, that this was the *Doctrine* of the *Christian* Church from the beginning, as will appear in the progress of this Discourse. The chief design whereof is to vindicate the *Doctrine of the Trinity*, as it hath been *generally received in the Christian Church*, and is expressed in the *Athanasian Creed*, from those horrible Imputations of *Nonsense*, *Contradiction* and *Impossibility*; with which it is charged by our *Unitarians* (as they call themselves;) and that in the answer to the Sermon lately reprinted, about *the Mysteries of the Christian Faith*: which I first preached and published some Years since, upon the breaking out of this Controversie among us, by the *Notes on Athanasius his Creed*, and the other mischievous Pamphlets one upon another. I was in hopes to have given some check to their insolent way of writing about matters so much above our reach, by shewing how reasonable it was for us to submit to divine Revelation in such things, since we must acknowledge our selves so much to seek, as to the *nature* of *Substances*, which are continually before our Eyes; and therefore, if there were such difficulties about a Mystery which depended upon Revelation, we had no cause to wonder at it; but our business was chiefly to be satisfied, whether this Doctrine were any part of that Revelation. As to which I proposed several things, which I thought very reasonable, to the finding out the true sense of the Scripture about these matters. After a considerable time, they thought fit to publish something, which was to pass for an Answer to it; but in it, they wholly pass over that part which relates to the sense of Scripture, and run into their common place about *Mysteries of Faith*; in which they were sure to have as many *Friends*, as our Faith had *Enemies*; and yet they managed it in so trifling a manner, that I did not then think it deserved an Answer. But a worthy and judicious Friend was willing to take that task upon himself, which he hath very well discharged; so that I am not concerned to meddle with all those particulars, which are fully answer'd already, but the *general Charge* as to the *Christian Church* about the Doctrine of the Trinity, I think my self oblig'd to give an answer to upon this occasion. But before I come to that, since they so confidently charge the Christian Church for so many ages, with embracing *Errors* and *Nonsense*, and *Contradictions* for *Mysteries of Faith*, I desire to know (supposing it possible for the Christian Church to be so early, so generally, and so miserably deceived in a matter of such moment) by *what light* they have discovered this *great Error*. Have they any *new Books* of *Scripture* to judge by? Truly they had need, for they seem to be very weary of the old ones; because they find they will not serve their turn; therefore they muster up *the old Objections against them*, and give no answer to them; they find fault with *Copies*, and say, they are *corrupted and falsified to speak the Language of the Church*; they let fall suspicious Words, *as to the Form of Baptism*, as though *it were inserted from the Churches Practice*; they charge us with following *corrupt Copies*, and making *false Translations* without any manner of ground for it.

Answer to the Archb. Serm. p. 50. Explicat. of the Trinity, p. 29. Answer to Milbourn. p. 15. 23. History of the Unit. p. 43.

And doth not all this discover no good will to the Scriptures, at least, as they are received among us? And I despair of meeting with better Copies,

Answer to the Archb. p. 29, 30

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or seeing a more faithful Translation than ours is. So that it is plain, that they have no mind to be tried by the *Scriptures*. For these exceptions are such, as a Malefactor would make to a Jury he is afraid to be condemned by.

But what then is the peculiar light which these happy Men have found in a corner, the want whereof hath made the Christian Church to fall into such *monstrous Errors and Contradictions? Nothing* (*they pretend*) *but the mere light of common sense and reason*; which they call after a more refined way of speaking, *clear Ideas and distinct Perceptions of things.*

But lest I should be thought to misrepresent them; I will produce some of their own Expressions. In one place they say, *We deny the Articles of the new Christianity, or the* Athanasian *Religion, not because they are Mysteries, or because we do not comprehend them; but we deny them because we do comprehend them; we have a clear and distinct Perception, that they are not Mysteries, but Contradictions, Impossibilities, and pure Nonsense. We have our reason in vain, and all science and certainty would be destroy'd if we could not distinguish between Mysteries and Contradictions.* And soon after, *We are not to give the venerable name of Mysteries to Doctrines that are contrary to nature's and reason's Light, or which destroy or contradict our natural Ideas.* These things I have particular reason to take notice of here, because they are published as an *Answer* to the foregoing *Sermon* about the *Mysteries of the Christian Faith*: and this shews the *general grounds* they go upon, and therefore more fit to be consider'd here. To which I shall add one passage more, wherein they insinuate, that the *Doctrine* of the *Trinity* hath been supported only by interest and force. Their Words are (after they have called the *Doctrine of the Trinity, a monstrous Parodox and Contradiction*) *This is that*, say they, *which because all other Arguments failed them in their disputations with the* Photinians *and* Arians, *they at last effectually proved, by the Imperial Edicts, by Confiscations and Banishments, by seizing and burning all Books written against it or them, by capital Punishments, and when the Papacy* (*of which this is the chief Article*) *prevailed by Fire and Faggot.* This is a new discovery indeed, that the Doctrine of the Trinity, as it is generally receiv'd in the Christian Church, is *the chief Article of Popery*; although it were embraced and defended long before *Popery* was known; and I hope would be so, if there were no such thing as *Popery* left in the World. But if every thing which displeases some Men must pass for *Popery*, I am afraid *Christianity* it self will not escape at last: For there are some who are building apace on such foundations as these; and are endeavouring what they can, to remove out of their way all revealed Religion, by the help of those two powerful *Machines*, viz. *Priest-craft* and *Mysteries*.

Answer to my Sermon. p. 4.

Anf. to Dr. Wallis's four Letters, p. 4.

But because I intend a clear and distinct Discourse concerning the *Doctrine* of the *Trinity*, as it hath been generally received among us; I shall proceed in these four Enquiries.

(1.) Whether it was accounted a *monstrous Paradox and Contradiction*, where Persons were not sway'd by *Force and Interest*?

(2.) Whether there be any *ground* of *common reason*, on which it can be justly charged with *Nonsense*, *Impossibilities* and *Contradiction*?

(3.) Whether their Doctrine about the *Trinity* or ours, be more agreeable to the *sense* of *Scripture* and *Antiquity*?

(4.) Whether our Doctrine being admitted, it doth overthrow all *certainty of reason*, and makes way for the believing the greatest Absurdities under the pretence of being *Mysteries of Faith*?

CHAP.

CHAP. II.

The Doctrine of the TRINITY not received in the Christian Church by Force or Interest.

AS to the first, it will lead me into an enquiry into the sense of the *Christian Church*, as to this Doctrine, long before *Popery* was hatched, and at a time when the main force of *Imperial Edicts* was against *Christianity* it self; at which time this Doctrine was owned by the Christian Church, but disowned and disputed against by some particular Parties and Sects. And the question then will be, whether these had engrossed *Sense*, and *Reason*, and *Knowledge* among themselves; and all the body of the Christian Church, with their Heads and Governors, were bereft of common Sense, and given up to believe *Nonsense* and *Contradictions* for *Mysteries of Faith*. But in order to the clearing this matter, I take it for granted, That *Sense* and *Reason* are no *late Inventions* only to be found among our *Unitarians*; but that all Mankind have such a competent share of them, as to be able to judge, what is agreeable to them, and what not, if they apply themselves to it; *That* no Men have so little Sense as to be fond of *Nonsense*, when Sense will do them equal service; *That* if there be no Biass of Interest to sway them, Men will generally judge according to the evidence of reason; *That* if they be very much concerned for a Doctrine opposed by others, and against their Interest, they are perswaded of the Truth of it, by other means than by *force* and *fear*; *That* it is possible for Men of Sense and Reason to believe a Doctrine to be true on the account of divine Revelation, although they cannot comprehend the manner of it; *That* we have reason to believe those to be Men of Sense above others, who have shew'd their Abilities above them in other matters of Knowledge and Speculation; *That* there can be no reason to suspect the Integrity of such Men in delivering their own Sense, who at the same time might far better secure their Interest by renouncing their Faith; lastly, *That* the more Persons are concerned to establish and defend a Doctrine which is opposed and contemned, the greater evidence they give, that they are perswaded of the truth of it.

These are *Postulata* so agreeable to Sense and common reason, that I think it an affront to humane Nature to go about to prove them. But to shew what use we are to make of them; we must consider that it cannot be denied, that *the Doctrine of the Trinity* did meet with opposition very early in the *Christian Church*, especially among the *Jewish Christians*; I mean those who strictly adhered to the Law of *Moses*, after the Apostles had declared the freedom of Christians from the obligation of it. These (as I shall shew by and by) soon after the dispersion of the Church of *Jerusalem*, gathered into a body by themselves, distinct from that which consisted of *Jews* and *Gentiles*, and was therefore called the *Catholick Christian Church*. And this separate body, whether called *Ebionites*, *Nazarens*, or *Mineans*, did not only differ from the *Catholick Christian Church*, as to the necessity of observing the Law of *Moses*, but likewise as to the Divinity of our Saviour, which they denied, although they professed to believe him as *the Christ* or promised *Messias*.

Theodoret hath with very good judgment placed the Heresies of the first Ages of the Christian Church, under two distinct heads, (which others reckon up confusedly) and those are such as relate to the *Humanity of Christ*, Theodoret *hæret. l.* 1. *&* 11.

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as *Simon Magus*, and all the Sects of those who are called *Gnosticks*, which are recited in his first Book. In his second he begins with those which relate to *the Divinity of Christ*; and these are of two kinds:

1. The *Jewish Christians* who denied it. Of these he reckons up the *Ebionites*, *Cerinthians*, the *Nazarens*, and *Elcesaitæ*, whom he distinguished from the other *Ebionites*, because of a *Book of Revelation*, which one *Elxai* brought among them; but *Epiphanius* saith, he joyned with the *Ebionites* and *Nazarens*.

Epiphan. Hæres. 19. n. 5. 29. n. 17.

2. Those of the *Gentile Christians*, who were look'd on as broaching a *new Doctrine* among them; of these he reckons *Artemon* as the first. then *Theodotus*, whom others make the first Publisher of it, as *Tertullian*, and the old Writer in *Eusebius*, supposed to be *Caius*, who lived near the time, and of whom a considerable Fragment is preserved in *Eusebius*, which gives light to these matters. The next is another *Theodotus*, who framed a new Sect of such as set up *Melchisedeck* above Christ. Then follow *Paulus Samosatenus*, and *Sabellius*, who made but *one Person* as well as *one God*, and so overthrew the Trinity with whom *Marcellus* agreed in substance, and last of all *Photinus*. But *Theodoret* concludes that Book with this passage, viz. *That all these Heresies against our Saviour's Divinity were then wholly extinct; so that there were not so much as any small Remainders of them.* What would he have said, if he had lived in our Age, wherein they are not only revived, but are pretended to have been the true Doctrine of the Apostolical Churches? Had all Men lost their *Senses* in *Theodoret*'s time? And yet there were as many learned and able Men in the Christian Church then, as ever were in any time.

Tertul. de præscript. hæret. c. 52. Euseb. hist. Eccl. l. 5. c. 28.

CHAP. III.

The SOCINIAN *Plea for the Antiquity of their DOCTRINE examined.*

BUT this is not the Age our *Unitarians* will stand or fall by. They are for going backward; and they speak with great comfort about the old *Ebionites* and *Nazarens* as entirely theirs; "And that they had "considerable Men among them, as *Theodotion* and *Symmachus*, two Tran- "slators of the Hebrew Bible. And among the *Gentile Christians*, they va- "lue themselves upon three Men, *Paulus Samosatenus*, *Lucianus* the most "learned Person, they say, of his Age, and *Photinus* Bishop of *Sirmium*. "As to the *Unitarians* at *Rome*, (whom they improperly call *Nazarens*) they "pretended that their Doctrine was Apostolical, and the general Doctrine "of the Church till the times of *Victor* and *Zepherin*.

Hist. of the Unit. p. 10. Edit. II.

This is the substance of their Plea, which must now be examin'd.

I begin with those *Primitive Unitarians*, the *Ebionites*, concerning whom, I observe these things:

1. That they were a distinct, separate body of Men from the Christian Church. For all the ancient Writers who speak of them, do mention them as *Hereticks*, and wholly divided from it, as appears by *Irenæus*, *Tertullian*, *Epiphanius*, *Theodoret*, St. *Augustin*, and others. *Eusebius* saith of them, *That although the Devil could not make them renounce Christianity, yet finding their weakness*, ἐσφετερίζετο, *he made them his own.* He would never have said this of any whom he look'd on as Members of the Christian Church. But wherein is it that *Eusebius* blames them? He tells it in the very next words; that

Euseb. l. 3. c. 27.

that it was *for the mean opinion they entertained of Christ*; for they look'd *on him as a mere Man, but very just*. And although there were *two sorts* of them; some owning the *miraculous Conception*, and others not; yet saith he, *They at last agreed in the same Impiety*, which was, *That they would not own Christ to have had any Pre-existence before his Birth, nor that he was* Θεὸς Λόγος, *God the Word*. It's true, he finds fault with them afterwards *for keeping to the Law of* Moses; but the first *Impiety* he charges them with, is the other. That which I infer from hence is, that *Eusebius* himself (to whom they profess to shew greater respect than to most of the ancient Writers, for his *exactness and diligence* in Church-History) doth affirm the Doctrine which overthrows the *Pre existence and Divinity of Christ* to be an *Impiety*. And therefore, when he affirms the *first fifteen Bishops of the Church of Jerusalem who were of the Circumcision*, viz. to the Siege of it by *Hadrian*, *did hold the genuine Doctrine of Christ*, it must be understood of his *Pre-existence and Divinity*; for the other we see he accounted an *Impiety*. And he tells us, *the Church of Jerusalem then consisted of believing Jews, and so it had done from the Apostles times to that of* Hadrian's *Banishment of the Jews*. Which is a considerable Testimony to two purposes:

Ante-Nicenism. p. 37.

Answer to Milb. p. 20. Euseb. *l.* 4. *c.* 5.

1. To shew that the Primitive Church of *Jerusalem* did hold the Doctrine of Christ's *Pre-existence* and *Divinity*. But say our *Unitarians*, *this doth not follow*. For what reason? When it is plain that *Eusebius* accounted that the *only genuine Doctrine*. *No*, say they, *he meant only the miraculous Conception, and that they held that, in opposition to those Ebionites who said that he was born as other Men are*. This is very strange; when *Eusebius* had distinguished the two sorts of *Ebionites* about this matter, and had blamed both of them, even *those that held him born of a Virgin*, for falling *into the same Impiety*. What can satisfie such Men, who are content with such an answer? But say they, *Eusebius only spake his own sense*. Not so neither: For he saith in that place, that he had searched the most ancient Records of the Church of *Jerusalem*. *Yes*, say they, *for the Succession of the first Bishops; but as to their* Doctrine *he had it from* Hegesippus, *and he was an* Ebionite *himself*. Then *Eusebius* must not be the Man they take him for. For if *Hegesippus* were himself an *Ebionite*, and told *Eusebius* in his Commentaries, that the Primitive Church of *Jerusalem* consisted of all such, then *Eusebius* must suppose that Church guilty of the same *Impiety* with which he charges the *Ebionites*; and would he then have said, *That they had the true knowledge of Christ among them?* *No*, say they, Eusebius *spake his own opinion*, *but* Hegesippus *being an* Ebionite *himself*, *meant otherwise*. But *Eusebius* doth not use *Hegesippus* his Words, but his own in that place; and withal, how doth it appear that *Hegesippus* himself was an *Ebionite?* This one of their latest Writers hath undertaken, but in such a manner, as is not like to convince me. It is thus, *Hegesippus was himself a Jewish Christian, and made use of the Hebrew Gospel, and among the Hereticks which crept into the Church of* Jerusalem, *he never numbers the* Ebionites *or* Cerinthians, *but only the* Gnosticks. I will not dispute, whether *Hegesippus* was a Jewish Christian or not. Grant he was so, yet how doth it appear that all the *Jewish Christians* were at that time *Ebionites* or *Cerinthians?* It seems they were neither of them *Hereticks*, although they were opposite to each other; the one *held the World created by inferiour Powers*, the other *by God himself:* the one, we see, *made Christ a mere Man*; but the *Cerinthians* held *an illapse of the* Λόγος *upon him, and so made him a kind of a God by his Presence*, as *Nestorius* did afterwards. But honest *Hegesippus* took neither one nor the other for *Hereticks*, if our *Unitarians* say true. But yet it doth not appear, that *Hegesippus* was either one or the other. For he speaks of the *Church of Jerusalem*, as is plain by *Eusebius*, and the *Cerinthians* and *Ebionites*, were in other parts; the former in

Resp. ad Judic. Eccles. p. 176.

Ans. to Dr. Bull, Part I. p. 41.

Euseb. *l.* 4. *c.* 22.

Egypt and the *leſſer* or *Proconſular Aſia*; and the latter about *Decapolis* and *Cœleſyria*, from whence they ſpread into *Arabia* and *Armenia*, as appears by *Epiphanius*. But *Origen* ſaith, *That all the Jewiſh Chriſtians were* Ebionites. What! no *Cerinthians* among them? Were not thoſe *Jewiſh Chriſtians*? Or were they all turned *Ebionites* then? No ſuch thing appears by *Origen*'s ſaying. But we are not enquiring now, what they were *in his time*, but in the Church of *Jeruſalem*. Doth *Origen* ſay, all the *Jewiſh Chriſtians* there were ſuch? And as to his own time, it is not improbable that thoſe who then made up the ſeparate Body of Jewiſh Chriſtians *were Ebionites*. But what is this to the *firſt Chriſtians* of the Church of *Jeruſalem*? *Very much*, ſay they, *becauſe the firſt Chriſtians were called Nazarens, and the Nazarens held the ſame Doctrine with the Ebionites*. But the title of *Nazarens* did not always ſignifie the ſame thing. It was at firſt uſed for *all Chriſtians*, as appears by the Sect of the *Nazarens* in *Tertullus*, his Accuſation of St. *Paul*; then it was taken for the *Chriſtians* who ſtaid at *Pella*, and ſettled at *Decapolis* and thereabouts, as *Epiphanius* affirms; for although all the Chriſtians withdrew thither before the Deſtruction of *Jeruſalem*, as *Euſebius* ſaith, yet they did not all continue there, but a great number returned to *Jeruſalem*, and were there ſettled under their Biſhops; but thoſe who remained about *Pella* kept the name of *Nazarens*, and never were united with the Gentile Chriſtians, but kept up their old Jewiſh Cuſtoms, as to their Synagogues, even in St. *Jerom* and St. *Auguſtine*'s time. Now theſe *Nazarens* might be all *Ebionites*, and yet thoſe of the *Church of Jeruſalem* not ſo at all.

Acts 2. 5.

Epiphan. hæreſ. 29. n. 7.

2. The next thing obſervable from this place of *Euſebius* is, that while the *Nazarens* and *Ebionites* were ſettled in *Cœleſyria*, and the Parts thereabouts, there was a regular Chriſtian Church at *Jeruſalem*, under the Biſhops of the Circumciſion, to the Siege of *Hadrian*. *Euſebius* obſerves, that before the deſtruction of *Jeruſalem*, *all the Chriſtians forſook not only Jeruſalem, but the* Coaſts *of Judea*. But that they did not all continue there, is moſt evident from what *Euſebius* here ſaith of the Church and Biſhops of *Jeruſalem*; between the two Sieges of *Titus Veſpaſian* and *Hadrian*, which was in the 18th Year of his Empire, ſaith *Euſebius*. Who produces another Teſtimony out of *Juſtin Martyr*, which ſhews that the Chriſtians were returned to *Jeruſalem*. For therein he ſaith, *That* Barchochebas *in that War uſed the* Chriſtians *with very great ſeverity to make them renounce Chriſtianity*. How could this be, if all the Chriſtians were out of his reach, then being ſettled about *Pella*? And although *Euſebius* ſaith, *That when the Jews were baniſhed their* Country *by* Hadrian's *Edict, that then the* Church *of* Jeruſalem *was made up of* Gentiles; yet we are not ſo ſtrictly to underſtand him, as though the Chriſtians who ſuffer'd under *Barchochebas*, were wholly excluded. *Oroſius* ſaith, *That they were permitted by the Emperor's Edict*. It is ſufficient for me, if they were connived at, which is very probable, although they did not think fit to have any ſuch publick Perſons as their *Biſhops* to be any other than *Gentiles*. And *Hegeſippus* is allow'd after this time, to have been a *Jewiſh Chriſtian* of the Church of *Jeruſalem*: ſo that the Church there muſt conſiſt both of *Jews* and *Gentiles*; but they can never ſhew that any of the *Ebionites* did admit any *Gentile Chriſtians* among them, which ſhews that they were then diſtinct Bodies.

Euſeb. l. 3. c. 5.

L. 4. c. 8.

L. 4. c. 6.

Oroſ. l. 7. c. 13.

2. They were not only diſtinct in Communion, but had a different *rule of Faith*. This is a point of great conſequence, and ought to be well conſider'd. For, ſince our *Unitarians* own the *Ebionites* as their *Predeceſſors*, we ought to have a particular eye to the *rule of Faith* received by them, which muſt be very different from ours, if they follow the *Ebionites*, as I doubt not to make it appear. They ſay, *The Ebionites uſed only St.* Mathew's *Goſpel*. But the Chriſtian Church then, and ever ſince, have receiv'd the four Goſpels,

Anſwer to Dr Bull. p. 42.

Gospels, as of divine *Authority*. *Eusebius*, one of the most approved Authors in *Antiquity* by our *Unitarians*, reckons up the *four Evangelists and St.* Paul's *Epistles*, as writings universally received by the Christian Church; then he mentions some generally rejected as spurious; and after those which were doubted, among which he mentions *the Gospel according to the Hebrews*, which *the Jewish Christians follow'd*. Now here is an apparent difference put between *the Gospel according to the Hebrews, and St.* Matthew's *Gospel*; as much as between a Book receiv'd without Controversie, and one that was not. But if *the Gospel according to the Hebrews* were then acknowledged to be the *true Gospel of St.* Matthew, it was impossible a Man of so much sense as *Eusebius*, should make this difference between them. But it is worth our observing, what our *Unitarians* say about this matter. And by that we may judge very much of their Opinion about the Gospels. I shall set down their Words, for fear I should be thought to do them wrong. " *Symmachus* and the *Ebionites*, say they, as they held our Saviour to be " the Son of *Joseph* and *Mary*; so they contended that the first Chapter of " St. *Matthew*'s Gospel was added by the *Greek* Translators. St. *Matthew* " wrote his Gospel in Hebrew, when it was translated into Greek, the Tran- " slator prefaced it with a Genealogy and Narration that our Saviour was " conceived by the Holy Spirit of God, and was not the Son of *Joseph*, " but this Genealogy and Narration, said *Symmachus* and the *Ebionites*, is " not in the Hebrew Gospel of St. *Matthew*, nay, is the mere invention of " the Translator. As for the other Gospels, the *Ebionites* and *Symmachians* " did not receive the Gospel of St. *Luke*; and for that of St. *John*, they " said it was indeed written by *Cerinthus*, to confirm his *Platonick Conceits* " about the *Logos* or Word, which he supposed to be the Christ or Spirit of " God, which rested on and inhabited the Person of Jesus. Let us now but join to this another Passage, which is this, " Those whom we now " call *Socinians*, were by the Fathers and the first Ages of Christianity cal- " led *Nazarens*; and afterwards they were called *Ebionites*, *Mineans*, *Sym-* " *machians*, &c.

Answer to Dr. Bull, p. 39.

If this be true, they must have the same Opinions as to the Books of the new Testament; and hereby we see what sort of Men we have to deal with, who under the pretence of the *old Ebionites*, undermine the Authority of the new Testament. As to St. *Matthew's Gospel*, I see no reason to question its being first written in the Language then used among the Jews, which was mixt of *Hebrew*, *Syriack* and *Chaldee*: since this is affirmed, not merely by *Papias*, whose Authority never went far; but by *Origen*, *Irenæus*, *Eusebius*, St. *Jerom*, and others. But I must distinguish between St. *Matthew's Authentick Gospel*, which *Pantænus* saw in the *Indies*, and that which was called *the Gospel according to the Hebrews, and the Nazaren Gospel*. St. *Jerom* in one place seems to insinuate, that St. *Matthew's Gospel* was preserved in the Library of *Pamphilus* at *Cæsarea*, and that the *Nazarens* at *Berrhæa* in *Syria* had given him leave to transcribe it. But if we compare this with other places in him, we shall find, that he question'd whether this were the Authentick Gospel of St. *Matthew* or not; he saith, *It is so called by many*; but he confesses it was the same which the *Ebionites* and *Nazarens* used. In which were many interpolations, as appears by the collections out of it in St. *Jerom*'s Works and other *ancient Writers*; which some learned Men have put together. And St. *Jerom* often calls it *the Gospel according to the Hebrews*. And so do other *ancient Writers*. From the laying several Passages together, *Erasmus* suspects, that St. *Jerom* never saw any other than the common *Nazaren Gospel*, and offers a good reason for it, *viz.* That he never made use of its *Authority* to correct the Greek of St. *Matthew*, which he would not have failed to have done in his Commentaries; and he produces the *Naza-*

Euseb. *l.* 3. *c.* 24, 39. *l.* 5. *c.* 8, 10. *l.* 6. *c.* 25. Hieron. *c.* Pelag. *l.* 3. Hieron. de script. in Matth. Comment. in Matth. *c.* 12. In Isa. *c.* 11. In Ezek. *c.* 18. Erasm. ad vers. Stunic. *c.* 1.

ren Goſpel upon ſlight occaſions. But how came the Preface to be curtail'd in the *Ebionite Goſpel*? Of which *Epiphanius* gives an account, and ſhews what was inſerted inſtead of it: *No*, ſay the *Ebionites*, *the Preface was added by the Tranſlator into Greek.* From what evidence? and to what end? *To prove that Chriſt was born of the Holy Spirit.* This then muſt be look'd on as a mere Forgery; and thoſe *Ebionites* were in the right, who held him to be *the Son* of *Joſeph* and *Mary*. What do theſe Men mean by ſuch ſuggeſtions as theſe? Are they reſolved to ſet up *Deiſm* among us, and in order thereto, to undermine the Authority of the new Teſtament? For it is not only St. *Matthew's Goſpel*, but St. *Luke's* and St. *John's* which they ſtrike at, under the pretence of repreſenting the arguments of theſe wretched *Ebionites*. If their arguments are mean and trifling, and merely precarious, why are they not ſlighted and anſwered by ſuch as pretend to be Chriſtians? If they think them good, we ſee what we have to do with theſe Men; it is not the *Doctrine of the Trinity*, ſo much as the *Authority of the Goſpels*, which we are to maintain againſt them: And not thoſe only, for *the Ebionites rejected all St.* Paul's *Epiſtles and called him an Apoſtate and a Tranſgreſſor of the Law.*

Anſwer to Dr. Bull. *p.* 35. What ſay our *Unitarians* to this? Why truly, *This comes from* Epiphanius, *and becauſe he quotes no Author, it ſeems to be one of his malicious Tales.* This is a very ſhort way of anſwering, if it would ſatisfie any Men of Senſe. But

P. 40. they ought to have remembred that within a few Pages, they alledge *Epiphanius* as a very competent Witneſs about the *Ebionites*, *becauſe he was born in* Paleſtine, *and lived very near it.* But we do not rely wholly upon *Epiphanius* in this matter. For thoſe whom they allow to be the beſt Witneſſes as to the Doctrine of the *Nazarens*, ſay the ſame thing concerning them. *As*

P. 39. Origen. c. Celſ. *l.* 5. *p.* 274. Theodor. hæret. *l.*2. *c.* 1. Hieron. in Matt. *c.* 12. *the moſt learned* Origen, as they call him, *who lived a long time in* Syria *and* Paleſtine *it ſelf*; and he affirms, *that both ſorts of* Ebionites *rejected St.* Paul's *Epiſtles*: and *Theodoret*, who they ſay, *lived in* Cœleſyria, *where the Nazarens moſt abound*, affirms of them, *That they allowed only the Goſpel according to the Hebrews, and called the Apoſtle an Apoſtate*: by whom they meant St. *Paul.* And the ſame is ſaid by St. *Jerom*, who converſed among them; *That they look on St.* Paul *as a Tranſgreſſor of the Law, and receive none of his Writings.* Have we not now a very comfortable account of the Canon of the *New Teſtament* from theſe ancient *Unitarians?* And if our modern ones account them their *Predeceſſors*, we may judge what a mean Opinion they muſt have of the Writings of the New Teſtament. For if they had any concernment for them, they would never ſuffer ſuch ſcandalous inſinuations to paſs without a ſevere cenſure, and a ſufficient anſwer. But their Work ſeems to be rather to pull down, than to eſtabliſh the Authority of revealed Religion; and we know what ſort of Men are gratified by it.

CHAP. IV.

Of the conſiderable Men they pretend to have been of their Opinion in the Primitive Church.

I Now come to conſider the Men of Senſe they pretend to among theſe *ancient Unitarians.*

The firſt is *Theodotion*, whom they make to be an *Unitarian.* But he

Euſeb. *l.*5. *c.* 8. was, ſaith *Euſebius* from *Irenæus*, a *Jewiſh Proſelyte*, and ſo they may very much increaſe the number of *Unitarians*, by taking in all the *Jews* as well as

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Proselytes. But must these pass for *Men of Sense* too, because they are against the Doctrine of the Trinity, and much upon the same grounds with our modern *Unitarians*? For they cry out of *Contradictions* and *Impossibilities* just as they do; *i. e.* with as much confidence and as little reason. *Symmachus* is another of their ancient *Heroes*: he was, if *Epiphanius* may be believed, first a *Samaritan*, and then a *Jew*; and *Eusebius* saith indeed, *That he was an Ebionite, and therefore for observing the Law of* Moses. St. *Augustin* saith, *That in his time the* Symmachiani *were both for Circumcision and Baptism.* St. *Jerom* observes, That *Theodotion* and *Symmachus*, both *Ebionites*, *translated the Old Testament in what concerned our Saviour, like Jews; and* Aquila, *who was a Jew, like a Christian*; but in another place he blames all three for the same fault. *Eusebius* goes somewhat farther; for he saith, *Symmachus wrote against St.* Matthew's *Gospel, to establish his own Heresy*, which shew'd he was a true *Ebionite*.

Epiph. de ponder. & mens. n. 6. Euseb. l. 5. c. 17. August. c. Cresc. l. 1. c. 31. Hier. in Heb. c. 3. Adverf. Ruffin.

The next they mention as one of their great Lights, was *Paulus Samosatenus*, *Bishop and Patriarch of Antioch*. But in another place they have a spiteful Insinuation, that *Men in such places are the great Pensioners of the World*, as though they were swayed only by Interest; and *that it keeps them from embracing of the truth*. Now *Paulus Samosatenus* gave greater occasion for such a Suspicion, than any of the persons so unworthily reflected upon. For he was a man noted for his Affectation of *excessive Vanity and Pomp, and very unjust methods of growing rich*. It is well we have *Eusebius* his Testimony for this; for they slight *Epiphanius* for his *malicious Tales*, and St. *Jerom* for his *Legends*; but they commend *Eusebius* for his *Exactness* and *Diligence*. And I hope *Theodoret* may escape their censure, who affirms, that *Paulus Samosatenus* suited his Doctrine to his *interest* with *Zenobia, who then governed in those parts of* Syria *and* Phœnicia, *who professed her self to be of the Jewish Persuasion*. *Athanasius* saith, *She was a Jew, and a Favourer of* Paulus Samosatenus. What his opinions were, our *Unitarians* do not take the pains to inform us, taking it for granted that he was of their Mind. *Eusebius* saith, *He had a very mean and low opinion of Christ, as having nothing in him above the common nature of Mankind*. *Theodoret* saith, he fell into the Doctrine of *Artemon* to oblige *Zenobia*; and *Artemon*, he saith, held *that Christ was a meer Man born of a Virgin, but exceeding the Prophets in Excellency*. Where the words Ψιλὸς ἄνθρωπος are used to express the opinion of *Artemon*; which ought to be taken notice of, because our modern *Unitarians* say, *That those words among the ancient Writers were taken in opposition to the miraculous Conception of our Saviour*.

Answer to the Archbs. Sermon. p. 44, 46. Euseb. l. 7. c. 30. *Reflect. on* Dr. Bull, p. 35. *Answer to* Milbourn, p. 20. Athan. ad solit. vit. agent. p. 857. Euseb. l. 3. c. 27. Respons. ad judicium Ecclesiæ per D. Bull, p. 150.

But *Paulus Samosatenus* was universally disowned by the Christian Church of that time; although as long as *Zenobia* held her Power, he kept his See; which was for some time after he was first called in question for his Heresie. But at first he made use of many *Arts* and *Devices* to deceive the Christian Bishops of the best Reputation, who assembled at *Antioch* in order to the suppressing this dangerous Doctrine, as they all accounted it. *For hearing of his Opinions about our Saviour, they ran together*, saith *Eusebius*, *as against a Wolf which designed to destroy the Flock*. Now from hence it is very reasonable to argue, that the *Samosatenian Doctrine* was then look'd on as a very dangerous Novelty in the Christian Church. For although the *Ebionites* had asserted the same thing, as to the Divinity of our Saviour, yet they were not look'd on as true Members of the Christian Church; but as St. *Jerom* saith, *While they affected to be both Jews and Christians, they were neither Jews nor Christians*. *Artemon*, whoever he was, was but an obscure Person; and *Theodotus* had Learning, they say, but was of no place in the Church; but for such a considerable Person as the Bishop of *Antioch* to own such a Doctrine, must unavoidably discover the general sense of the

Restaurans Pauli Samosatensis Artes & Dolos. Decret. Conc. Sardin. apud Hilar. fragment. p. 1310. Ed. Par. 1693. Euseb. l. 7. c. 27. Theodor. hær. fab. l. 2. c. 8.

Christian

Christian Church concerning it. *Paulus Samosatenus* wanted neither parts, nor interest, nor experience; and he was supported by a Princess of great Spirit and Courage, enough to have daunted all the Bishops, at least in those parts, from appearing against him. But such was the zeal and concernment of the Bishops of the Christian Church in this great affair, that they not only assembled themselves, but they communicated it to *Dionysius* Bishop of *Alexandria*, and to another of the same name, Bishop of *Rome*, and others, and desired their advice and concurrence; who did all agree in the condemnation of his Doctrine. The former said, He would have gone himself to *Antioch*, but for his extreme old Age, and he died soon after the first Council which met at *Antioch* on this occasion; but he sent his Judgement and Reasons thither, which we find in an Epistle of his still extant, whereof mention is made in the *Epistle* of the second Synod of *Antioch*, to *Dionysius* Bishop of *Rome*, and *Maximus* Bishop of *Alexandria*, *and all other Bishops, Priests and Deacons of the Catholick Church*; wherein they give an account of their proceedings against *Paulus Samosatenus*, and they say, *They had invited the Bishops of the remoter parts to come to* Antioch *for the suppression of this damnable Doctrine*; among the rest, *Dionysius* of *Alexandria*, and *Firmilian* of *Cappadocia*, as Persons of greatest reputation then in the Church. *Firmilian* was there at the former Synod, (of whom *Theodoret* saith, that he was famous both *for divine and humane Learning*) and so were *Gregorius Thaumaturgus* and *Athenodorus* Bishops of *Pontus*, and *Helenus* Bishop of *Tarsus* in *Cilicia*, and *Nicomas* of *Iconium*, and *Hymenæus* of *Jerusalem*, and *Theotecnus* of *Cæsarea*; who all condemned his Doctrine, but they spared his Person upon his solemn promises to retract it; but he persisting in it when they were gone home, and fresh complaints being made of him, *Firmilian* was coming a third time to *Antioch*, but died by the way: But those Bishops who wrote the Synodical Epistle, do all affirm, *That they were Witnesses and many others, when he condemned his Doctrine, but was willing to forbear his Person upon his promise of amendment, which they found afterwards was merely delusory.*

Athanas. de sentent. Dionysii, p. 558.

Euseb. l. 7. c. 30.

Dionysius Alexandrinus, they say, *would not write to him, but sent his mind about him to the Church of* Antioch. Which *Epistle* is mention'd by St. *Jerom*, (as written by him a little before his Death) as well as by *Eusebius* and *Theodoret*; and I do not see sufficient reason to question the authority of that, which *Fronto Ducæus* published from *Turrian*'s Copy, although it be denied by *H. Valesius* and others. It's said indeed, *That he did not write to him*, i. e. he did not direct it to him, but he might send it to the Council in answer to his Letters, which he mentions. How far *it differs from his style in other Epistles*, I will not take upon me to judge; but the design is very agreeable to an *Epistle* from him on that occasion. It's true, that it seems to represent the opinion of *Paulus Samosatenus* after a different manner from what it is commonly thought to have been: But we are to consider, that he made use of all the *Arts* to disguise himself that he could; and when he found the making Christ to be a *mere Man* would not be born, he went from the *Ebionite* to the *Cerinthian Hypothesis*, viz. That the Λόγος *did dwell in him, and that there were two Persons in Christ, one Divine and the other Humane*; and two Sons, the *one by Nature the Son of God, who had a Pre-existence, and the other the Son of* David, *who had no subsistence before.* This is the opinion which *Dionysius* sets himself against in that *Epistle*, and which therefore some may imagine was written after *Nestorius* his Heresy: But that was no *new Heresy*, as appears by the *Cerinthians*; and it was that which *Paulus Samosatenus* fled to as more plausible; which not only appears by this Epistle, but by what *Athanasius* and *Epiphanius* have delivered concerning it.

Atha-

Athanasius wrote a Book of the *Incarnation* against the followers of *Paulus Samosatenus*, who held, as he saith, *Two Persons in Christ*, viz. *One born of the Virgin*, and a divine Person, which *descended upon him and dwelt in him.* Against which opinion he disputes from two places of Scripture, *viz. God was manifest in the Flesh*, and *the Word was made Flesh*; and from the ancient Doctrine of the Christian Church, and the *Synod* of *Antioch* against *Paulus Samosatenus.* And in another place he saith, that he held, *That the divine Word dwelt in Christ.* And the words of *Epiphanius* are express to the same purpose, *That the Logos came and dwelt in the Man Jesus.* And the Clergy of *Constantinople* charged *Nestorius* with following the Heresy of *Paulus Samosatenus.* And *Photius* in his Epistle saith, *That* Nestorius *tasted too much of the intoxicated Cups of* Paulus Samosatenus; and in the foregoing Epistle, he saith, That *Paulus his followers asserted two Hypostases in Christ.* But some think, that *Paulus Samosatenus* did not hold any subsistence of the Λόγος before, but that the Word was in God before without any subsistence of its own, and that God gave it a distinct subsistence when it inhabited in the Person of Christ; and so *Marius Mercator* and *Leontius* understand him; who say that he differ'd from *Nestorius* therein, who asserted a *Divine Word with its proper subsistence.* But according to them *Paulus* by *the Word* understood that *Divine Energy* whereby Christ acted, and which dwelt in him: But *Dionysius* saith; *he made two Christs, and two Sons of God.* But the Doctrine of the Christian Church, he saith, was, *That there was but one Christ, and one Son, who was the eternal Word, and was made Flesh.* And it is observable, that he brings the very same places we do now to prove this Doctrine, as *in the beginning was the Word*, &c. and *before* Abraham *was I am.* It seems that some of the Bishops who had been upon the examination of his Opinions before the *second Synod*, which deposed him, sent him an account of their Faith, and required his answer; wherein they declare the Son *not to be God, according to God's Decree*, (which he did not stick at) but that he was *so really and substantially*; and whosoever denied this, they said, *was out of the Communion of the Church, and all the Catholick Churches agreed with them in it.*

Athan. de Incarn. Tom. I. p. 591.

p. 635.

Ἐλθόντα δὲ τὸν λόγον καὶ ἐνοικήσαντα ἐν Ἰησοῦ Ἀνθρώπῳ ὄντι. Epiph. hær. 61. n. 1. Concil Ephesin. part I. Supplicatio Basilii, &c.

Phot. Epist. 35.

Marius Mercat. de 12 Anath. Nestorii, n. 16. Leontius de sectis, p. 436. edit. Basil.

And they declare, *That they received this Doctrine from the Scriptures of the Old and New Testament*, and bring the same places we do now; as, *Thy Throne, O God, was for ever*, &c. *Who is over all, God blessed for ever. All things were made by him*, &c. And we do not find that *Paulus Samosatenus*, as subtle as he was, ever imagin'd that these places belong'd to any other than *Christ*, or that the *making of all things* was to be understood of the *making of nothing*, but putting it into mens power to make themselves *new Creatures.* These were discoveries only reserved for the *Men of Sense* and *clear Ideas* in these brighter Ages of the World.

But at last, after all the arts and subterfuges which *Paulus Samosatenus* used, there was a Man of Sense, as it happen'd, among the Clergy of *Antioch*, called *Malchion*, who was so well acquainted with his Sophistry, that he drove him out of all, and laid his Sense so open before the *second Synod*, that he was solemnly deposed for denying *the Divinity of the Son of God, and his Descent from Heaven*, as appears by their *Synodical Epistle.* It is pity we have it not entire; but by the Fragments of it which are preserved by some ancient Writers, we find that his Doctrine of the Divinity in him by *Inhabitation* was then condemned, and the substantial Union of both Natures asserted. I have only one thing more to observe concerning him, which is, that the *Arian* Party in their Decree at *Sardica* (or rather *Philippopolis*) do confess, that *Paulus Samosatenus* his Doctrine was condemned by the whole Christian World. For they say, *That which passed in the*

Euseb. l. 7. c. 30.

Leont. c. Nestor. l.

Eastern

Hil. fragment, p. 1321. Theod. l. 1. c. 4. *Eaſtern Synod, was ſigned and approved by all.* And *Alexander* Biſhop of *Alexandria*, in his Epiſtle to *Alexander* of *Conſtantinople*, affirms the ſame. And now, I hope, I may deſire our *Men of Senſe* to reflect upon theſe Matters. Here was *no Fire nor Faggot* threatned, no *Imperial Edicts* to enforce this Doctrine; nay, the Queen of thoſe parts, under whoſe Juriſdiction they lived at that time, openly eſpouſed the cauſe of *Paulus Samoſatenus*; ſo that here could be nothing of *Intereſt* to ſway them to act in oppoſition to her. And they found his Intereſt ſo ſtrong, that he retained the Poſſeſſion of his See, till *Aurelian* had conquered *Zenobia*, and by his authority he was ejected. This *Synod* which depoſed him, did not ſit in the time of *Aurelian*, as is commonly thought, but before his time while *Zenobia* had all the power in her hands in thoſe Eaſtern parts, which ſhe enjoy'd five years: till ſhe was diſpoſſeſt by *Aurelian*, from whence *Ant. Pagi* concludes, that *Paulus kept his See three years after the Sentence againſt him*; but upon application to *Aurelian*, he who afterwards began a Perſecution againſt all Chriſtians, gave this rule, *That he with whom the* Italian *Biſhops and thoſe of* Rome *communicated, ſhould enjoy the See*; upon which *Paulus* was at laſt turned out. By this we ſee a *concurrence* of all the *Chriſtian Biſhops* of that time againſt him that denied the *Divinity of our Saviour*; and this without any *force*, and againſt their *intereſt*, and with a general conſent of the Chriſtian World: For there were no *mighty Awes* and *Draconic Sanctions* to compel, of which they ſometimes ſpeak, as if they were the only powerful methods to make this Doctrine go down. And what greater argument can there be, that it was then the general ſenſe of the Chriſtian Church? And it would be very hard to condemn all his Oppoſers for men that wanted *Senſe and Reaſon*, becauſe they ſo unanimouſly oppoſed him.

Pagi Critica in Bar. A. 272. n. 2. *Answer to the Archbiſhop*, p. 54

Not ſo unanimouſly neither, ſay our *Unitarians, becauſe* Lucian, *a Presbyter of the Church of* Antioch, *and a very learned man, joined with him.* It would have been ſtrange indeed, if ſo great a Man as *Paulus Samoſatenus* could prevail with none of his own Church to join with him, eſpecially one that came from the ſame place of *Samoſata*, as *Lucian* did, and probably was by him brought thither.

Euſeb. l. 8, 13. 9. c. 6. He had an extraordinary Character given him by *Euſebius*, both *for his Life and Learning*; and ſo by St. *Jerom*, without the leaſt reflection upon him as to matter of Faith. But on the other ſide, *Alexander* Biſhop of *Alexandria*, in his Epiſtle concerning *Arius* to *Alexander* of *Conſtantinople*, doth ſay, *That he followed* Paulus Samoſatenus, *and held ſeparate Communion for many years, under the three following Biſhops.* He doth not ſay that he died ſo, when he ſuffer'd Martyrdom under *Maximinus* at *Nicomedia*; neither doth he ſay the contrary: Upon which learned Men are divided, whether he perſiſted in that opinion or not. *Petavius* and *Valeſius* give him up; on the other ſide *Baronius* vindicates him, and ſaith, The miſreport of him came from his zeal againſt *Sabellianiſm*; and that *Alexander* wrote that of him before his Books were throughly examin'd, that *Athanaſius* never joins him with *Paulus Samoſatenus*, that the *Arians* never produced his authority in their debates, as they would have done, ſince the Emperor's Mother had built a City in the place where he ſuffer'd Martyrdom. It cannot be doubted that the *Arian* Party would have it believed that they came out of *Lucian*'s School, as appears by *Arius* his Epiſtle to *Euſebius* of *Nicomedia*; but on the other ſide, the great argument to me is, That this very Party, at the Council of *Antioch*, produced a *Creed*, which they ſaid was there found written with *Lucian's own hand*, which is directly contrary to the *Samoſatenian* Doctrine. Now either this was true or falſe: If it were true, then it was falſe that he was a *Samoſatenian*; if it were falſe, how came the *Arian* Party to give it out for true? Eſpecially thoſe who va-

Theod. l. 1. c. 4.

Petav. de Trin. l. c. 4. n. 13. H. Valeſius in Theod. l. 1. c. 4. Baron. A. 38. n. 75, &c.

Soz. l. 3. c. 5.

lued

lued themſelves for coming out of his *School*. They were far enough from being ſuch weak Men to produce the *Authority* of *Lucian* at *Antioch*, where he was ſo much eſteemed, for a Doctrine utterly inconſiſtent with that of *Paulus Samoſatenus*, if it were there known, that he was his Diſciple, and ſeparated from three Biſhops on that account. For therein the Son is owned to be *God of God, begotten of the Father before all Ages, perfect God of perfect God*, &c. Suppoſe they had a mind to ſubvert the *Nicene Faith* by this Creed, under the name of *Lucian*, (only becauſe ὁμοούσιος was left out) yet what an improbable way did they take, when they ſupported the main points by his *Authority*, and that at *Antioch*, where it was greateſt? If *Philoſtorgius* may be credited, the great Men of the *Arian* Party had been his Scholars, as beſides *Euſebius* of *Nicomedia*, *Maris* of *Chalcedon*, *Theognis* of *Nice*, *Leontius* of *Antioch*, and ſeveral other leading Biſhops, and even *Arius* himſelf pretended to it. Which makes me apt to think, that *Alexander* knowing this, and at firſt not being able ſo well to judge of *Lucian*'s Opinion, charged him with following *Paulus Samoſatenus*, from whence the *odium* would fall upon his Scholars. For his deſign is to draw the Succeſſion down from *Ebion* and *Artemon*, and *Paulus Samoſatenus*, and *Lucian*, to *Arius* and his Aſſociates; and charges them with holding the ſame Doctrine, wherein he was certainly miſtaken; and ſo he might be about *Lucian*'s Separation from the following Biſhops on that account. Philoſt. *l.* 2. *c.* 5, 15.

The laſt our *Unitarians* mention among their great Men, is *Photinus* Biſhop of *Sirmium*. They take it for granted that he was of their Opinion. This is certain, that whatever it was, it was generally condemned, as well by the *Arians* as others; and after ſeveral Councils called he was depoſed for his Hereſie. The firſt time we find him condemned, was by the *Arian Party* in a ſecond Council at *Antioch*, as appears by the profeſſion of Faith drawn up by them, extant in *Athanaſius* and *Socrates*. There they anathematize expreſly *the Diſciples of* Marcellus *and* Photinus, *for denying the Pre-exiſtence and Deity of Chriſt*. But by *Chriſt*, they underſtood, *The Perſon born of the Virgin, who was the Son of God*; but they did not deny the *Pre-exiſtence* of the Λόγος, and never dream'd that any could think that Chriſt was to be called the Λόγος, from his *Office of Preaching*, as our modern *Unitarians* aſſert. But *Photinus* his Opinion was, *That the* Λόγος *was before all Ages, but not Chriſt, or the Son of God, which divine Word was partly internal, and ſo it was ever with God, and partly external, when it was communicated to the Perſon of Chriſt, whereby he became the Son of God.* But the *Arians* there declare their Belief, *That Chriſt was the living Word, and Son of God before all Worlds, and by whom he made all things.* The next time he is ſaid to be condemned, was in that which is called the Council at *Sardica*, but was the Council of the Eaſtern Biſhops after their parting from the Weſtern. This is mention'd by *Epiphanius* and *Sulpitius Severus*, the latter ſaith, he differ'd from *Sabellius* only *in the point of Union*, i. e. becauſe *Sabellius* made the Perſons to be merely *Denominations*, which was then called the Hereſie of the *Unionitæ* and therefore *Photinus* muſt aſſert an *Hypoſtaſis* to the Λόγος, or elſe he did not at all differ from *Sabellius*. And it appears by *Epiphanius*, that *Photinus* did diſtinguiſh between *Chriſt and the Word*. *In the Beginning was the Word*, ſaid he, *but not the Son, which title was promiſed and foretold, but did not belong to Chriſt till he was born of the Holy Ghoſt and* Mary, ſo he expreſſes it. Herein, ſaith *Epiphanius*, he follow'd *Paulus Samoſatenus*, *but exceeded him in his Inventions*. In anſwer to him, he ſaith, that St. *John*'s Words are not, *In the beginning was the Word, and the Word was in God, but the Word was with God, and the Word was God.* Little did either ſide imagine that this was to be underſtood of *the beginning of the Goſpel*, as our modern *Photinians* would make us believe they think; but *Photinus* himſelf was a Perſon of too Athanaſ. Tom. 1 *p.* 898. Socr. *l.* 2. *c.* 19. Athan. de Synodis Arim. &c. *p.* 897. Epiph. hæret. 71. Sulpit. Sever. *l.* 2. *p.* 397. Prudent. Apoth. Epiph. *n.* 2. *N.* 1, 2. *N.* 4.

much Sagacity to take up with such an absurd and insipid Sense. I pass over the fresh condemnations of *Photinus* in the Councils at *Milan* and *Rome*, because his Opinion is not to be learnt from them; and come to that at *Sirmium*, where it is more particularly set forth, as well as condemned. But here we must distinguish the two Councils at *Sirmium*; in the former, he was *condemned*, but *the People would not part with him*; but in the *second*, he was not only *condemned*, but effectually deposed, the Emperor *Constantius* a professed *Arian*, forcing him to withdraw: But it was upon his own Appeal to the Emperor against the Judgment of the Council, who appointed Judges Delegates to hear this Cause; and *Basilius Ancyranus* was the manager of the debate with him, wherein he is said to have been so much too hard for *Photinus*, that the Emperor himself order'd his Banishment. And I can find nothing of his return; but our *Unitarians* have found out (but they do not tell us where) *That the People recall'd him, and so he planted his Doctrine among them, that it overspread, and was the Religion of the* Illyrican *Provinces, till the Papacy on one hand, and the* Turk *on the other, swallow'd up those Provinces.* This looks too like *making History* to serve a turn, unless some good Proof were brought for it. But instead of *Photinus his returning, and his Doctrine prevailing and continuing there*, we find *Valentinian* calling a Council in *Illyricum*, and establishing the *Nicene Faith* there: and a Council at *Aquileia* against the *Arians*, where the Bishop of *Sirmium* was present, and declared against *Arianism*, and joyned with St. *Ambrose*, who condemns *Photinus* for making *Christ the Son of* David, *and not the Son of God. Paulinus* saith in his Life, that he went on purpose to *Sirmium* to consecrate an Orthodox Bishop there; which he did, notwithstanding the power of *Justina* the Empress, who favoured the *Arians*. Sr. *Jerom* in his *Chronicon* saith, that *Photinus* died in *Galatia* which was his own Country; so that there is no probability in what they affirm of *Photinus* his settling his Doctrince in those parts, *till the Papacy and the* Turk *swallow'd those Provinces*; for any one that looks into the History of those Parts may be soon satisfied, that *not the Pope, nor the* Turk, but the *Huns* under *Attila*, made the horrible Devastations not only at *Sirmium*, but in all the considerable places of that Country: So that if these Mens reason be no better than their *History*, there is very little cause for any to be fond of their Writings.

Epiph. hæret. 71. Socr. *l.* 2. *c.* 30. Soz *l.* 3. *c.* 6. Hist. Tripart *l.* 5. *c.* 8. *History of the* Unit. *p.* 10. Concil. general. To. II *p.* 888. Ib. *p.* 989. Ambros Apol. David. *c.* 4.

But as though it were not enough to mention such things once; in their answer to the late *Archbishop*'s Sermons, they inlarge upon it. For he having justly rebuked them for the *Novelty of their Interpretations*, they, to avoid this, boast of the concurrence of the ancient *Unitarians*, and followers of *Paulus* and *Photinus*, who, they say, *abounded every-where, and even possessed some whole Provinces.* This passage I was not a little surprized at: Since *Theodoret*, who, I think, was somewhat more to be credited than *Sandius*, doth so expressly say, *That the* Samosatenians *and* Photinians *were extinct in his time*, in a place already mention'd. But upon search I could find no other ground for it, but a passage or two in *Sandius*, who is none of the exactest Historians. In one place he saith from an obscure *Polish Chronicle* (extant in no other Language but of that Country) *that the* Bulgarians *when they first received Christianity embraced Photinianism.* And is not this very good Authority among us? From hence he takes it for granted, *that they all continued* Photinians *to the time of Pope* Nicolas, *who converted them.* But all this is grounded on a ridiculous mistake in *Platina*, who in the Life of *Nicolas* saith, *That the Pope confirmed them in the Faith, pulso Photino*; whereas it should be *pulso Photio*; for *Photius* at that time was *Patriarch of Constantinople*, and as appears by his first Epistle, assumed their Conversion to himself; and insisted upon the right of Jurisdiction over that Country. *Sandius* refers to *Blondus*, who saith no such thing, but only *that the* Bulgarians

Answer to the Archbishop's Sermon, p. 53 Theodor. hæret. Fab. *l.* 2. in. *Photino.* Sand. *Hist.* Enucl. *l.* 3. *p.* 357. *p.* 372. Blond. Dec. 2. *l.* 2.

were

were converted before, which is true; and the Greek Historians, as *Joh. Curopalates*, *Zonaras* and others, give a particular Account of it; but not a word of *Photinianism* in it. So that the *Archbishop* had very great reason to charge their Interpretation with *Novelty*; and that not only because the *Photinians* had no such Provinces as they boast of; but that neither *Paulus Samosatenus*, nor *Photinus*, nor any of their followers, that we can find, did ever interpret *the beginning of St.* John, as they do; i. e. *Of the New Creation and not of the Old*; and so, *as the Word had no Pre-existence before he was born of the Virgin.* I do not confine them to the *Nicenists*, as they call them; but let them produce any one among the *Samosatenians*, or *Photinians*, who so understood St. *John*. And therein *Sandius* was in the right (which ought to be allow'd him, for he is not often so) when he saith, *That no Christian Interpreter before* Socinus *ever held such a sense of the Word as he did*; *and therefore his followers, he saith, ought to be called* Socinians *only, and not* Ebionites, Samosatenians, *or* Photinians. Sand. *Hist.* Eccles. *l.* 1. p. 64. 93.

But to return to *Photinus* his Opinion. It is observable, what *Socrates* saith, concerning his being deposed at *Sirmium*, *viz.* That what was done in that matter was universally approved, *not only then, but afterwards.* So that here we have the general Consent of the Christian World, in that divided time, against the *Photinian* Doctrine. And yet it was not near so unreasonable as our *Unitarians*; for *Photinus* asserted the *Pre-existence* of the Λόγος and *its inhabiting in Christ from his Conception*; wherein he differ'd from *Paulus Samosatenus* who asserted it to have been *upon the Merit of his Vertue.* In the *Anathema*'s of the Council of *Sirmium* against *Photinus*, one is *against any one that asserts that there is one God, but denies Christ to have been the Son of God before all Worlds, and that the World was made by him in obedience to the Will of the Father.* Others against *him that asserts that there was a Dilatation of the Divine Substance to make him the Son of God, who was a Man born of the Virgin Mary*; this appears from *Anath.* 6, 7, 9. put together. Which is best explained by *Hilary* himself in another place, where he mentions this as the *Photinian* Doctrine, *That God the Word did extend himself so far, as to inhabit the person born of the Virgin.* This he calls a *subtle and dangerous Doctrine.* And therein he saith *Photinus* differ'd from *Sabellius*; that the latter denied *any difference between Father and Son, but only in Names*; but *Photinus* held a real difference, but not before the Nativity of Christ; then he said, *The divine Word inhabiting in Christ made him to be the real Son of God.*

Socr. *l.* 2. c. 29. Καὶ τοῦτο μὲν ὡς καλῶς καὶ δικαίως γενόμενον πάντες ἐπήνεσαν καὶ τότε καὶ μετὰ ταῦτα. Hilar. de Synod. *p.* 1175. Ed. Paris.

Hilar. de Trinit. *l.* 10. *n.* 50.

Hilar. de Trin. *l.* 7. *n.* 7.

The only doubt is, whether *Photinus* held, *the Word* to have had a distinct *Hypostasis* before or not. *Marius Mercator*, an Author of good credit, who lived in St. *Augustin*'s time (and to whom an Epistle of his is extant in the new Edition of his Works) gives a very particular account of the Opinion of *Photinus* with relation to the *Nestorian* Controversie, in which he was very well versed. In an *Epistle* written by him on purpose, he shews that *Nestorius* agreed with *Photinus* in asserting, *That the Word had a Pre-existence*; *and that the name of Son of God did not belong to the Word, but to Christ after the inhabitation of the Word.* But he there seems to think, that *Photinus* did not hold the Word to have had a *real Hypostasis* before the Birth of Christ: but when he comes after to compare their Opinions more exactly, he then affirms, that *Photinus* and *Nestorius* were agreed, *and that he did not deny the Word to be Consubstantial with God*; *but that he was not the Son of God till Christ was born in whom he dwelt.* By which we see how little reason our *Unitarians* have to boast of *Photinus* as their Predecessor.

August. *Ep.* 193.

Marii Mercar. Oper. *Par.* 2. *p.* 17.

De. 12. Anath. Nestorii *p.* 128.

As to the boast of *the first* Unitarians *at* Rome, *that theirs was the general Doctrine, before the time of* Victor; it is so fully confuted by the ancient Writer in *Eusebius*, who mentions it, from the Scriptures and the first Christian

Euseb. *l.* 5. *c.* 28.

ſtian Writers, named by him, that it doth not deſerve to be taken notice of; eſpecially ſince he makes it appear, that it was not heard of among them at *Rome*, till it was firſt broached there by *Theodotus*, as not only he, but *Tertullian* affirms; as I have already obſerved.

Thus I have clearly proved, that *the Doctrine of the Trinity*, was ſo far from being embraced only *on the account of force and fear*, that I have ſhewed there was in the firſt Ages of the Chriſtian Church, *a free and general Conſent* in it, even when they were *under Perſecution*; and after the *Arian Controverſie* broke out, yet thoſe who denied the *Pre-exiſtence*, and *Co-eternity* of the Son of *God* were univerſally condemned; even the *Arian* Party concurring in the Synods mention'd by *Hilary*. But our *Unitarians* are ſuch great Pretenders to *Reaſon*, that this Argument from the *Authority* of the whole Chriſtian Church, ſignifies little or nothing to them.

Therefore they would conclude ſtill that they have the better of us in point of Reaſon, becauſe they tell us, that they have clear and diſtinct Perceptions, that what we call *Myſteries of Faith*, are *Contradictions*, *Impoſſibilities*, and *pure Nonſenſe*; and *that they do not reject them, becauſe they do not comprehend them, but becauſe they do comprehend them to be ſo.*

This is a very bold Charge, and not very becoming the Modeſty and Decency of ſuch, who know at the ſame time that they oppoſe the Religion publickly eſtabliſhed, and in ſuch things which we look on as ſome of the principal Articles of the Chriſtian Faith.

CHAP. V.

Of their Charge of Contradiction in the Doctrine of the TRINITY.

BUT I ſhall not take any Advantages from thence, but immediately proceed to the next thing I undertook in this Diſcourſe, *viz.* To conſider what *Grounds* they have for ſuch a Charge as this, of *Contradiction* and *Impoſſibility*. In my Sermon which gave occaſion to theſe Expreſſions (as is before intimated) I had undertaken to prove, that conſidering the infinite Perfections of the Divine Nature, which are ſo far above our reach, God may juſtly oblige us to believe thoſe things concerning himſelf, which we are not able to comprehend; and I inſtanced in ſome *Eſſential Attributes* of God, as his Eternity, Omniſcience, Spirituality, *&c.* And therefore, if there be ſuch Divine Perfections, which we have all the Reaſon to believe, but no Faculties ſufficient to comprehend, there can be no ground from Reaſon to reject ſuch a Doctrine which God hath revealed, becauſe the manner of it may be incomprehenſible by us. And what anſwer do they give to this?

Anſwer to the Serm. about the Trinity, P. 4, 5, 8.

They do not deny it in general, that God may oblige us to believe things above our Comprehenſion; but he never obliges us to believe Contradictions, and that they charge *the Doctrine of the Trinity* with; and for this they only refer me to their Books, where they ſay it is made out. But I muſt ſay, that I have read and conſider'd thoſe Tracts, and am very far from being convinced that there is any ſuch *Contradiction* in this Doctrine, as it is generally received in the *Chriſtian Church*; or as it is explained in the *Athanaſian Creed*. And I ſhall ſhew the unreaſonableneſs of this Charge from theſe things.

1. That

1. That there is a Difference between a *Contradiction* in *Numbers*, and in the *Nature* of *things*.

2. That it is *no Contradiction* to assert *three Persons* in *One common Nature*.

3. That it is *no Contradiction* to say that *there are three distinct Persons in the Trinity, and not three Gods*. If I can make out these things, I hope I may abate something of that strange and unreasonable confidence, wherewith these Men charge the Doctrine of the Trinity with *Contradictions*.

1. I begin with the first of them; and I shall draw up the Charge in their own words. In one of their late Books they have these Words.

Theirs, they say, *is an Accountable and Reasonable Faith, but that of the* Trinitarians *is absurd and contrary both to Reason and it self, and therefore not only false but impossible.* But wherein lies this *Impossibility?* That they soon tell us. *Because we affirm that there are three Persons, who are severally and each of them true God, and yet there is but one true God. Now*, say they, *this is an Error in counting or numbring, which when stood in is of all others the most brutal and inexcusable; and not to discern it is not to be a Man.* What must these Men think the Christian Church hath been made up of all this while? What? were there *no Men* among them but the *Unitarians?* None that had common sense, and could tell the difference between One and Three? But this is too choice a Notion to be delivered but once; we have it over and over from them. In another place they say, *We cannot be mistaken in the Notion of One and Three; we are most certain that One is not Three, and Three are not One.* This it is to be Men! but the whole Christian World besides are in *Brutal* and *Inexcusable* Errors about *One* and *Three*. This is not enough, for they love to charge home; for one of their terrible Objections against the *Athanasian Creed*, is, *That here is an Arithmetical as well as Grammatical Contradiction. For in saying God the Father, God the Son, and God the Holy Ghost, yet not three Gods but one God; a Man first distinctly numbers three Gods, and then in summing them up, brutishly says, not three Gods but one God. Brutishly* still! Have the *Brutes* and *Trinitarians* learnt *Arithmetick* together? Methinks such Expressions do not become such whom the Christian Church hath so long since condemned for Heresies. But it may be with the same Civility they will say, *It was brutishly done of them.* But can these Men of Sense and Reason think, that the Point in Controversy ever was, whether in Numbers, *One could be Three*, or *Three One*? If they think so, I wonder they do not think of another thing, which is the begging all *Trinitarians* for *Fools*, because they cannot count *One, Two and Three*, and an *Unitarian* Jury would certainly cast them. One would think such Writers had never gone beyond *Shop-books*; for they take it for granted, that all depends upon *counting*. But these terrible Charges were some of the most common and trite Objections of Infidels. St. *Augustin* mentions it as such, when he saith, *The Infidels sometimes ask us, what do you call the Father? We answer God. What the Son? We answer God. What the Holy Ghost, we answer God.* So that here the Infidels make the same Objection, and draw the very same Inference. *Then*, say they, *the Father, Son and Holy Ghost are three Gods.* But what saith St. *Augustin* to this? Had he no more skill in *Arithmetick* than to say *there are Three and yet but One?* He saith plainly, *that there are not three Gods. The Infidels are troubled because they are not enlighten'd, their heart is shut up, because they are without Faith.* By which it is plain, he look'd on these as the proper Objections of Infidels, and not of Christians. But may not Christians have such doubts in their minds? He doth not deny it; but then he

History of the Unitar. p. 9. n. 7.

Defence of the History of the Unitarians, p. 7.

Acts of Athanasius, p. 13.

Interrogant enim nos aliquando Infideles, & dicunt, Patrem quem dicitis, Deum dicitis? Respondemus Deum. Filium quem dicitis, Deum dicitis? Respondemus Deum. Spiritum Sanctum quem dicitis, Deum dicitis? Respondemus Deum. Ergo inquiunt, Pater & Filius & Spiritus Sanctus tres sunt Dei. Respondemus non. Turbantur, quia non illuminantur, cor clausum habent quia clavem fidei non habent. *Aug.* in *Joh.* Tr. 39.

he ſaith, *Where the true foundation of Faith is laid in the heart, which helps the Underſtanding, we are to embrace with it all that it can reach to; and where we can go no farther, we muſt believe without doubting*; which is a wiſe reſolution of this matter. For there are ſome things revealed which we can entertain the notion of in our minds, as we do of any other matters, and yet there may be ſome things belonging to them which we cannot diſtinctly conceive. We believe God to have been from all Eternity, and that becauſe God hath revealed it; but here is ſomething we can conceive, *viz. that he was ſo*; and here is ſomething we cannot conceive, *viz. How he was ſo*. This Inſtance I had produced in my *Sermon*, to ſhew that we might be obliged to believe ſuch things concerning God, of which we cannot have a clear and diſtinct Notion; as that God was from all Eternity, although we cannot conceive in our minds how he could be from himſelf. Now what ſaith the *Unitarian* to this, who pretended to anſwer me? He ſaith, *If God muſt be from himſelf, then an Eternal God is a Contradiction; for that implies that he was before he was, and ſo charges me with eſpouſing the cauſe of Atheiſts.* I wiſh our *Unitarians* were as free from this Charge as I am. But this is malicious cavilling. For my deſign was only to ſhew, that we could have no diſtinct conception of ſomething which we are bound to believe. For upon all accounts we are bound to believe an Eternal God, and yet we cannot form a diſtinct and clear Idea of the manner of it. Whether being from himſelf be taken *poſitively* or *negatively*, the matter is not cleared; the one is abſurd, and the other unconceivable by us. But ſtill I ſay, it is a thing that we are bound to believe ſtedfaſtly, although it is above our comprehenſion. But inſtead of anſwering to this, he runs out into an Examination of one notion of Eternity; and, as he thinks, ſhews ſome Abſurdities in that, which are already anſwered. But that was not my meaning, but to ſhew that we could have no clear and diſtinct Notion of Eternity; and if his Arguments were good, they prove what I aimed at, at leaſt as to that part; and himſelf produces my own Words to ſhew, that there were ſuch difficulties every way which we could not maſter; and yet are bound to believe, that neceſſary Exiſtence is an inſeparable Attribute of God. So that here we have a clear inſtance of what St. *Auguſtin* ſaith, That we may believe ſomething upon full Conviction, as that God is eternal, and yet there may remain ſomething which we cannot reach to by our underſtanding, *viz.* the manner how Eternity is to be conceived by us; which goes a great way towards clearing the point of the *Trinity*, notwithſtanding the Difficulty in our conceiving the manner how Three ſhould be One, and One Three.

Nos ergo Fratres, fide præcedente, quæ ſanat oculum cordis noſtri, quod intelligimus ſine obſcuritate capiamus, quod non intelligimus ſine dubitatione credamus. *Ibid.*

Anſw. to Serm. p. 5.

But St. *Auguſtin* doth not give it over ſo; *Let us keep ſtedfaſt*, ſaith he, *to the Foundation of our Faith, that we may arrive to the top of Perfection; the Father is God, the Son is God, the Holy Ghoſt is God; the Father is not the Son, nor the Son the Father, nor the Holy Ghoſt either Father or Son.* And he goes on, *The Trinity is one God, one Eternity, one Power, one Majeſty, Three Perſons and one God.* So it is in *Eraſmus* his Edition; but the late Editors ſay, that the word *Perſonæ* was not in their Manuſcript. And it is not material in this place, ſince elſewhere he approves the uſe of the word *Perſons*, as the fitteſt to expreſs our meaning in this Caſe. *For ſince ſome Word muſt be agreed upon to declare our Senſe by*, he ſaith, *thoſe who underſtood the Propriety of the Latin Tongue, could not pitch upon any more proper than that, to ſignifie that they did not mean three diſtinct Eſſences,*

A fundamento fidei non recedamus, ut ad culmen Perfectionis veniamus. Deus eſt Pater, Deus eſt Filius, Deus eſt Spiritus Sanctus, & tamen Pater non eſt qui Filius; nec Filius eſt qui Pater, nec Spiritus Sanctus, Patris & Filii Spiritus, Pater eſt aut Filius. *Ibid.*

Trinitas unus Deus, Trinitas una Æternitas, una Poteſtas, una Majeſtas, tres Perſonæ ſed non tres Dii.

ces, but the ſame Eſſence with a different Hypoſtaſis, founded in the relation of one to the other; as Father and Son have the ſame Divine Eſſence, but the Relations being ſo different that one cannot be confounded with the other, that which reſults from the Relation being joined with the Eſſence, was it which was called a Perſon.

But ſaith St. *Auguſtin, The Caviller will ask, If there be Three, what Three are they? He anſwers, Father, Son, and Holy Ghoſt.* But then he diſtinguiſhes between what they are in themſelves, and what they are to each other. *The Father as to himſelf is God, but as to the Son he is Father; the Son as to himſelf is God, but as to the Father he is the Son.* But how is it poſſible to underſtand this? Why, ſaith he, *Take two Men, Father and Son; the one as to himſelf is a Man, but as to the Son a Father; the Son as to himſelf is a Man, but as to the Father he is a Son: but theſe two have the ſame common Nature.*

But, ſaith he, *Will it not hence follow, that as theſe are two Men, ſo the Father and Son in the Divine Eſſence muſt be two Gods? No; there lies the Difference between the Humane and Divine Nature, that one cannot be multiplied and divided as the other is.*

And therein lies the true Solution of the Difficulty, as will appear afterwards. *When you begin to count,* ſaith he, *you go on, One, Two and Three. But when you have reckon'd them what is it you have been counting? The Father is the Father, the Son the Son, and the Holy Ghoſt the Holy Ghoſt. What are theſe Three? Are they not three Gods? No; Are they not three Almighties? No: They are capable of Number as to their Relation to each other; but not as to their Eſſence which is but One.*

Non audemus dicere unam Eſſentiam tres Subſtantias, ſed unam Eſſentiam vel Subſtantiam, tres autem Perſonas, quemadmodum multi Latini iſta tractantes & digni auctoritate dixerunt, cum alium modum aptiorem non invenirent, quo enunciarent verbis, quod ſine verbis intelligebant. *Aug. de Trinitat. l.5. c.8.*

Nunc mihi calumniator reſpondeat, quid ergo tres? ecce inquit tres dixiſti, ſed quid tres exprime? Immo tu numera. Nam ego compleo tres cum dico, Pater & Filius & Spiritus Sanctus. *Id. ubi ſupra.* Id enim quod Pater ad ſe eſt, Deus eſt, quod ad Filium eſt, Pater eſt: quod Filius ad ſeipſum eſt, Deus eſt: quod ad Patrem eſt, Filius eſt.

Sed non quomodo illi duo homines ſunt ſic iſti duo Dii. Quare hoc non eſt ita ibi? Quia illud aliud, hoc autem aliud eſt, quia illa Divinitas eſt, hæc humanitas.

Ubi cogitare cœperis, incipis numerare; ubi numeraveris, quid numeraveris non potes reſpondere. Pater, Pater eſt; Filius, Filius; Spiritus Sanctus, Spiritus Sanctus eſt. Quid ſunt iſti tres? Non tres Dii? Non. Non tres omnipotentes? Non. ſed unus omnipotens. Hoc ſolo numerum inſinuant, quod ad invicem ſunt non quod ad ſe ſunt.

The ſubſtance of the Anſwer lies here: The Divine Eſſence is that alone which makes God, that can be but One, and therefore there can be no more Gods than one. But becauſe the ſame Scripture, which aſſures us of the Unity of the Divine Eſſence, doth likewiſe join the Son and Holy Ghoſt in the ſame Attributes, Operations, and Worſhip; therefore as to the mutual Relations, we may reckon Three, but as to the Divine Eſſence, that can be no more than One.

Boethius was a great Man in all reſpects, for his *Quality*, as well as for his *Skill* in *Philoſophy* and *Chriſtianity*; and he wrote a ſhort but learned Diſcourſe to clear this matter. *The Catholick Doctrine of the Trinity,* ſaith he, *is this; the Father is God, the Son God, and the Holy Ghoſt God; but they are not three Gods, but one God.* And yet (which our *Unitarians* may wonder at) this very Man hath written a learned Book of *Arithmetick.* But how doth he make this out? How is it poſſible for *Three to be but One?* Firſt, he ſhews, " That there can be but one Divine Eſſence; for to make " more than One muſt ſuppoſe a Diverſity. *Principium enim Pluralitatis* " *Alteritas eſt.* If you make a real difference in Nature as the *Arians* did, " then there muſt be as many Gods as there are different Natures. Among " Men there are different Individuals of the ſame kind; but, ſaith he, it " is the diverſity of Accidents which makes it; and if you can abſtract " from all other Accidents, yet they muſt have a different Place, for two " Bodies cannot be in the ſame place. The Divine Eſſence is ſimple and " immaterial, and is what it is of it ſelf; but other things are what they " are made, and conſiſt of Parts, and therefore may be divided. Now " that Boëth. oper. p. 1121

" that which is of it ſelf can be but One, and therefore cannot be num-
" bred. And one God cannot differ from another, either by Accidents or
" ſubſtantial Differences. But, ſaith he, there is a twofold Number, one
" by which we reckon, and another in the things reckoned. And the
" repeating of Units in the former makes a Plurality,
" but not in the latter. It may be ſaid, that this holds
" where there are only different Names for the ſame
" thing; but here is a real Diſtinction of Father, Son,
" and Holy Ghoſt. But then he ſhews, " That the dif-
" ference of Relation can make no Alteration in the Eſ-
" ſence; and where there is no diverſity, there can be
" but one Eſſence, although the different Relation may
" make three Perſons. This is the ſubſtance of what he
ſaith concerning this Difficulty; which, as he ſuggeſts,
ariſes from our Imaginations, which are ſo filled with
the Diviſion and Multiplicity of compound and material
things, that it is a hard matter for them ſo to recollect
themſelves, as to conſider the firſt Principles and Grounds of *Unity* and
Diverſity. But if our *Unitarians* have not throughly conſider'd thoſe foun-
dations, they muſt, as they ſay to one of their Adverſaries, *argue like No-
vices in theſe queſtions*. For theſe are ſome of the moſt neceſſary Specula-
tions for underſtanding theſe matters; as, What that *Unity* is which be-
longs to a perfect Being? What *Diverſity* is required to multiply an infinite
Eſſence, which hath *Unity* in its own Nature? Whether it be therefore
poſſible, that there ſhould be more divine Eſſenees than one, ſince the ſame
eſſential Attributes muſt be, where-ever there is the divine Eſſence? Whe-
ther there can be more *Individuals*, where there is no *Diſſimilitude*, and
can be no *Diviſion* or *Separation*? Whether a *ſpecifick Divine Nature* be
not inconſiſtent with the abſolute Perfection, and neceſſary Exiſtence which
belongs to it? Whether the Divine Nature can be *individually the ſame*,
and yet there be ſeveral individual Eſſences? Theſe and a great many o-
ther Queſtions it will be neceſſary for them to reſolve, before they can ſo
peremptorily pronounce that the Doctrine of the Trinity doth imply a
Contradiction on the account of the *Numbers* of *Three* and *One*. And ſo
I come to the ſecond Particular.

Numerus enim duplex eſt, unus quidem, quo numeramus, alter verò qui in rebus numerabilibus conſtat; ergo in Numero quo numeramus, repetitio unitatum facit Pluralitatem; in rerum vero numero non facit Pluralitatem Unitatum repetitio.

Ita igitur ſubſtantia continet Unitatem, relatio verò multiplicat Trinitatem. Nam idem Pater qui Filius non eſt; nec idem uterque qui Spiritus Sanctus. Idem tamen Deus eſt, Pater, Filius & Spiritus Sanctus.

Anſw to Mi.b p.5

CHAP. VI.

No Contradiction for three Perſons to be in one common Nature.

II. THat it is no contradiction to aſſert *three Perſons* in one *common Na-
ture*. I ſhall endeavour to make theſe matters as clear as I can; for the greateſt difficulties in moſt mens minds have riſen from the want of clear and diſtinct apprehenſions of thoſe fundamental Notions, which are neceſſary in order to the right underſtanding of them.

1. We are to diſtinguiſh between the *Being of a thing*, and a *thing in Being*; or between *Eſſence* and *Exiſtence*.

2. Between the *Unity* of *Nature* or *Eſſence*, and of *Exiſtence* or *Indivi-
duals* of the ſame nature.

3. Between the Notion of *Perſons* in a *finite and limited Nature*, and in a *Being uncapable of Diviſion and Separation*.

1. Between

1. Between the *Being of a thing*, and a *thing in Being*. By the former we mean the Nature and Eſſential Properties of a thing; whereby it is diſtinguiſhed from all other kinds of Beings. So God and his Creatures are eſſentially diſtinguiſhed from each other by ſuch Attributes which are incommunicable; and the Creatures of ſeveral kinds are diſtinguiſhed by their Natures or Eſſences; for the Eſſence of a Man and of a Brute are not barely diſtinguiſhed by *Individuals*, but by their kinds. And that which doth conſtitute a diſtinct kind is One and Indiviſible in it ſelf: for the Eſſence of a Man is but one and can be no more; for if there were more, the kind would be alter'd; ſo that there can be but one common Nature or Eſſence to all the Individuals of that kind. But becauſe theſe Individuals may be or may not be, therefore we muſt diſtinguiſh them as they are in actual Being, from what they are in their common Nature; for that continues the ſame, under all the Variety and Succeſſion of Individuals.

2. We muſt now diſtinguiſh the *Unity* which belongs to the *common Nature*, from that which belongs to the Individuals in *actual Being*. And the *Unity* of *Eſſence* is two-fold:

1. Where the Eſſence and Exiſtence are the ſame, *i. e.* where neceſſary Exiſtence doth belong to the Eſſence, as it is in God, and in him alone; it being an eſſential and incommunicable Perfection.

2. Where the Exiſtence is contingent, and belongs to the Will of another; and ſo it is in all Creatures, Intellectual and Material, whoſe actual Being is dependent on the Will of God.

The *Unity* of *Exiſtence* may be conſider'd two ways.

1. As to it ſelf, and ſo it is called *Identity*; or a thing continuing the ſame with it ſelf: the Foundation whereof in Man is that vital Principle which reſults from the Union of Soul and Body. For as long as that continues, notwithſtanding the great variety of changes in the material Parts, the Man continues entirely the ſame.

2. The *Unity* of *Exiſtence* as to Individuals may be conſider'd as to others, *i. e.* as every one ſtands divided from every other Individulal of the ſame kind; although they do all partake of the ſame common Eſſence. And the clearing of this is the main Point, on which the right Notion of theſe matters depends.

In order to that, we muſt conſider two things.

1. What that is, whereby we perceive the difference of Individuals?

2. What that is, which really makes two Beings of the ſame kind to be different from each other?

1. As to the reaſon of our Perception of the difference between Individuals of the ſame kind, it depends on theſe things.

1. Difference of outward Accidents, as Features, Age, Bulk, Mein, Speech, Habit and Place.

2. Difference of inward Qualities and Diſpoſitions; which we perceive by obſervation, and ariſe either from Conſtitution, or Education, or Company, or acquired Habits.

2. As to the true ground of the real Difference between the Exiſtence of one Individual from the reſt, it depends upon the *ſeparate Exiſtence* which it hath from all others. For that which gives it a Being diſtinct from all others and divided by Individual Properties, is the true ground of the difference between them, and that can be no other but the Will of God. And no conſequent Faculties or Acts of the Mind by Self-Reflection, *&c.* can be the reaſon of this difference; becauſe the difference muſt be ſuppoſed antecedent to them. And nothing can be ſaid to make that, which muſt be ſuppoſed to be before it ſelf; for there muſt be a diſtinct Mind in Being from all other Minds, before it can reflect upon it ſelf.

But we are not yet come *to the bottom of this matter.* For as to Individual Persons, there are these things still to be consider'd.

1. *Actual Existence* in it self, which hath a *Mode* belonging to it, or else the humane Nature of Christ could not have been united with the divine, but it must have had the *personal Subsistence*, and consequently there must have been *two Persons* in *Christ.*

2. A *separate* and *divided Existence* form all others, which arises from the actual Existence, but may be distinguished from it; and so the humane Nature of Christ, although it had the Subsistence proper to Being, yet had not a *separate Existence*, after the *Hypostatical Union.*

3. The *peculiar manner* of *Subsistence*, which lies in such Properties as are incommunicable to any other; and herein lies the proper reason of *Personality.* Which doth not consist in a mere *Intelligent Being.* but in that peculiar manner of Subsistence, in that Being which can be in no other. For when the common Nature doth subsist in Individuals, there is not only a separate Existence, but something so peculiar to it self, that it can be communicated to no other. And this is that which makes the distinction of Persons.

4. There is a *common Nature* which must be joyned with this manner of Subsistence to make a *Person*; otherwise it would be a mere *Mode*; but we never conceive a *Person* without the Essence in Conjunction with it. But here appears no manner of contradiction in asserting several Persons in one and the same common Nature.

5. The Individuals of the same kind are said to differ in number from each other, because of their different Accidents and separate Existence. For so they are capable of being numbred. Whatever is compounded is capable of number as to its parts, and may be said to be one by the Union of them; whatever is separated from another is capable of number by distinction. But where there can be no Accidents nor Division, there must be perfect Unity.

Διαιρετικὸν μὲν ἀεὶ τὸ καθ' ἕκαστον, συλλητικὸν δὲ ἡ ἑνοποιὸν τὸ κοινόν. Porphyr. Isag. c. 2. 36 Niceph. Callist. l. 18. c. 47.

6. There must be a *Separation in Nature*, where-ever there is a difference of Individuals under the same kind. I do not say there must be an *actual Separation* and *Division* as to place, but that there is and must be so in Nature, where one *common Nature* subsists in several Individuals. For *all Individuals must divide the Species, and the common Nature unites them.* And this *Philoponus* understood very well, and therefore he never denied such a *Division* and *Separation* in the divine Persons, as is implied in distinct Individuals; which is the last thing to be consider'd here.

3. We are now to enquire how far these things will hold as to the *Persons* in the Trinity, and whether it be a *Contradiction* to assert *three Persons* in the Godhead and but *one God.* We are very far from disputing the *Unity* of the *divine Essence*, which we assert to be so perfect and indivisible, as not to be capable of such a difference of Persons as is among Men. Because there can be no difference of Accidents, or Place, or Qualities in the divine Nature; and there can be no separate Existence, because the Essence and Existence are the same in God; and if *necessary Existence* be an inseparable Attribute of the divine Essence, it is impossible there should be any separate Existence; for what always was and must be, can have no other Existence than what is implied in the very Essence. *But will not this overthrow the distinction of Persons, and run us into Sabellianism?* By no means. For our *Unitarians* grant, *That the* Noetians *and* Sabellians *held, that there is but one divine Substance, Essence or Nature, and but one Person.* And how can those who hold *three Persons be Sabellians? Yes,* say they, *the Sabellians held three relative Persons.* But did they mean three *distinct Subsistences*, or only one Subsistence sustaining the Names, or Appearances, or Manifestations of

Discourse concerning the nominal and real Trinitarian, p. 16.

three

three Persons? The latter they cannot deny to have been the true sense of the *Sabellians*. But say they, *These are three Persons in a classical critical Sense*. We meddle not at present with the Dispute which *Valla* hath against *Boethius* about the proper Latin Sense of a *Person* (and *Petavius* saith *Valla*'s Objections are mere *Jests* and *Trifles*) but our Sense of a *Person* is plain, that it signifies the Essence with a particular manner of Subsistence, which the Greek Fathers called an *Hypostasis*, taking it for that incommunicable Property which makes a *Person*. Petav. de Trinit. l. 4. c. 4.

But say our *Unitarians*, a Person is an *intelligent Being, and therefore three Persons must be three intelligent Beings*. I answer, that this may be taken two ways. 1. That there is no Person where there is no intelligent Nature to make it a Person, and so we grant it. 2. That a Person implies an intelligent Being, separate and divided from other Individuals of the same kind, as it is among Men: and so we deny it as to the Persons of the Trinity, because the Divine Essence is not capable of such Division and Separation as the humane Nature is. *Defence of the History of the Unit. p. 5.*

But say they again, *The Fathers did hold a specifical Divine Nature, and the Persons to be as so many Individuals*. This they repeat very often in their *late Books*; and after all, refer us to *Curcellæus* for *undeniable Proofs* of it. Let us for the present suppose it, then I hope the Fathers are freed from holding *Contradictions* in the Doctrine of the Trinity; for what *Contradiction* can it be, to hold three individual Persons in the Godhead, and one common Nature, more than it is to hold that there are three humane Persons in *One* and the *same common Nature* of Man? Will they make this a *Contradiction* too? But some have so used themselves to the Language of *Jargon*, *Nonsense*, *Contradiction*, *Impossibility*, that it comes from them, as some Men swear, when they do not know it. But I am not willing to go off with this Answer; For I do take the Fathers to have been Men of two great Sense and Capacity to have maintained such an absurd Opinion, as that of a *Specifick Nature* in God. For either it is a mere Logical Notion, an Act of the Mind, without any real Existence belonging to it as such, which is contrary to the very Notion of God, which implies a necessary Existence; or it must imply a Divine Nature, which is neither Father, Son, nor Holy Ghost. Which is so repugnant to the Doctrine of the Fathers, that no one that is any ways conversant in their Writings on this Argument, can imagine they should hold such an Opinion. And I am so far from being convinced by *Curcellæus his* undeniable Proofs, that I think it no hard matter to bring undeniable Proofs that he hath mistaken their meaning. Ib. *Answer to* La Moth. p. 5. *Explicat.* p. 13. *Letter to the University*, p. 13.

Of which I shall give an Account in this Place, because I fear his Authority hath had too much sway with some, as to this matter. I shall not insist upon his gross mistake in the very entrance of that Discourse, where he saith, *That the Bishops of* Gaul *and* Germany *disliked the* Homoousion, *and gave three Reasons against it*; whereas *Hilary* speaks of the *Eastern Bishops* whom he goes about to vindicate to the Western Bishops, who were offended with them for that reason; as any one that reads *Hilary de Synodis* may see. But I come to the main Point. His great Argument is *from the use of the Word* Ὁμοούσιος *which may extend to Individuals of the same kind.* Who denies it? But the Question is whether the Fathers used it in that sense, so as to imply a difference of Individuals in the same common Essence? There were two things aimed at by them in their Dispute with the *Arians*. Curcell. de vocibus Trinit. *Sect.* 7.

(1.) To shew, That the Son was of the same Substance with the Father, which they denied, and made him of an inferior created Substance of another kind. Now the Fathers thought this term very proper to express their Sense against them. But then this Word being capable of a larger Sense than they intended, they took care, (2.) To assert a perfect Unity and Indivisi-

bility of the Divine Essence. For the *Arians* were very ready to charge them with one of these two things. (1.) That they must fall into *Sabellianism*, if they held a perfect Unity of Essence: or (2.) When they clear'd themselves of this, that they must hold *Three Gods*; and both these they constantly denied. To make this clear, I shall produce the Testimonies of some of the chief both of the *Greek* and *Latin Fathers*, and answer *Curcellæus* his Objections.

Athanas. de Sentent. Dionys. p. 558, 567.

Athanasius takes notice of both these Charges upon their Doctrine of the Trinity: As to *Sabellianism* he declared, *That he abhorred it equally with* Arianism; and he saith, *it lay in making Father and Son to be only different Names of the same Person*; and so they asserted but *one Person in the Godhead.* As to the other Charge of *Polytheism*, he observes, *That in the Scripture Language, all Mankind was reckon'd as one, because they have the same Essence; and if it be so, as to Men, who have such a difference of Features, of Strength, of Understanding, of Language, how much more may God be said to be One, in whom is an undivided Dignity, Power, Counsel and Operation?* Doth this prove such a difference, as is among Individuals of the same kind among Men? No Man doth more frequently assert the *indivisible Unity of the Divine Nature than he.*

Orat. 4. de Arian. p. 456.

De Communi Essent. &c. p. 214.

Expos. Fidei, p. 251.

In illud Omnia mihi trad. p. 154.

Ep. ad Serap. p. 259.

He expressly denies *such divided Hypostases, as are among Men*; and saith, *That in the Trinity there is a Conjunction without Confusion, and a Distinction without Division; that in the Trinity there is so perfect an Union, and that it is so undivided and united in it self; that where-ever the Father is, there is the Son and the Holy Ghost*, and so the rest, *because there is but one Godhead, and one God who is over all, and through all, and in all.* But saith *Curcellæus*, *The contrary rather follows from this* περιχώρησις *or mutual Inexistence, for that could not be without distinct Substance, as in Water and Wine.* But this is a very gross mistake of the Fathers Notion, who did not understand by it a *Local In-existence* as of bodies, but such an *indivisible Unity that one cannot be without the other*, as even *Petavius* hath made it appear from *Athanasius* and others.

Orat. 4. c. Arian. p. 554, 456, 459, &c. Curcell. Sect. III. Petav. de Trinit. l. 4. c. 16.

Athanasius upon all Occasions asserts the Unity of the Divine Nature to be *perfect and indivisible.* God, saith he, *is the Father of his Son* ἀμερίστως, *without any Division of the Substance.* And in other places, *That the Substance of the Father and Son admit of no Division*, and he affirms this to have been *the sense of the Council of* Nice; so that the ὁμοούσιον must be understood of the *same indivisible Substance. Curcellæus* answers, That *Athanasius* by this *indivisible Unity* meant only a *close and indissoluble Union.* But he excluded *any kind of Division*, and that of a *Specifick Nature* into several individuals as a real *Division in Nature*; for no Man who-ever treated of those matters denied, that a *Specifick Nature was divided*, when there were several Individuals under it. But what is it which makes the *Union indissoluble?* Is it the *Unity* of the *Essence* or not? If it be, is it the same individual Essence, or not? If the same individual Essence makes the inseparable Union, what is it, which makes the difference of Individuals? If it be said, *The incommunicable Properties of the Persons*; I must still ask how such *Properties* in the same individual Essence, can make different Individuals? If it be said to be the same *Specifick Nature*; then how comes that which is in it self capable of *Division* to make an *indissoluble Union?*

De Decret. Synod. Nic. p. 259. 269. 274, 276.

Orat. 5. c. Arian. p. 514.

De Decret. Synod p. 275.

Curcell. Dissert. n. 106.

Curcell. n. 82.

But saith Curcellæus, Athanasius *makes Christ to be of the same Substance as* Adam, *and* Seth, *and* Abraham, *and* Isaac *are said to be Con-substantial with each other.* And what follows? *That the Father and Son are divided from each other, as they were?* This is not possible to be his Sense; considering what he saith of the Indivisibility of the Divine Nature. And *Athanasius* himself hath given sufficient warning against such a Mis-construction of his Words; and still urges *that our Conceptions ought to be suitable to the Divine*

Athanas. de Synod. Arim. & Seleuc. p. 916, 920, 928.

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Nature, not taken from what we see among Men. And it is observable, that when *Paulus Samosatenus* had urged this as the best Argument against the term Ὁμοούσιος, *That it made such a difference of Substances as is among Men*; for that Reason saith *Athanasius, his Judges were content to let it alone, for the Son of God is not in such a sense Con-substantial; but afterwards the* Nicene *Fathers finding out the Art of* Paulus, *and the significancy of the Word to discriminate the* Arians, *made use of it, and only thought it necessary to declare, that when it is applied to God, it is not to be understood, as among individual Men.* P. 919.

As to the *Dialogues* under *Athanasius* his Name, on which *Curcellæus* insists so much; it is now very well known that they belong not to him, but to *Maximus*; and by comparing them with other places in him, it may appear, that he intended *no Specifick Nature in God.* Curcell. n. 84. Maxim. Oper. T. II. p. 384. T. I. p. 413.

But saith *Curcellæus, If the Fathers intended any more than a Specifick Nature, why did they not use Words which would express it more fully,* As Μονοούσιος and ταυτοούσιος? For that very Reason, which he mentions from *Epiphanius, because they would seem to approach too near to Sabellianism.* Curcell. Sect. 73.

St. *Basil* was *a great Man,* (notwithstanding the flout of our *Unitarians,*) and apply'd his thoughts to this matter, to clear the Doctrine of the Church from the Charge of *Sabellianism* and *Tritheism.* As to the former, he saith, in many places, That *the Heresie lay in making but one Person as well as one God,* or one Substance with three several Names. As to the latter, no Man asserts the individual Unity of the Divine Essence in more significant Words than he doth. For he uses the ταυτότης and τὸ τῆς οὐσίας ταυτὸν, as St. *Cyril* of *Alexandria* doth likewise, and yet both these are produced by *Curcellæus* for a *Specifick Nature.* *A Discourse concerning Nominal and real* Unitar. p. 25. Basil Hom. 27. p. 602. 604. Epist. 141. 391, 64. T. I. p. 605. T. II. p. 926.

But saith *Curcellæus,* St. *Basil* in his *Epistle* to *Gregory Nyssen* doth assert the difference between *Substance* and *Hypostasis* to consist in this, That *the one is taken for common Nature, and the other for individual,* and so making *three Hypostases,* he must make *three Individuals,* and *one common* or *Specifick Nature.* I answer, That it is plain by the design of that *Epistle,* that by *three Hypostases* he could not mean *three Individual Essences.* For he saith, The design of his writing it, was to clear the difference between *Substance* and *Hypostasis.* For saith he, *From the want of this some assert but one Hypostasis, as well as one Essence; and others, because there are three Hypostases, suppose there are three distinct Essences.* For both went upon the same Ground, that *Hypostasis* and *Essence* were the same. Therefore saith he, those who held three *Hypostases,* did make τὴν τῶν οὐσιῶν διαίρεσιν *a Division of Substances.* From whence it follows, that St. *Basil* did look upon the Notion of three distinct Substances as a mistake: I say *distinct Substances,* as *Individuals* are distinct; for so the first Principles of Phisosophy do own that Individuals make a Διαίρεσις, or *Division of the Species* into several and distinct Individuals. Cyril. Alex. Dialog. de Trinit. 3. p. 498, 500. Curcell. n. 74.

But doth not St. Basil *go about to explain his Notion by the common Nature of Man, and the several Individuals under it; and what can this signifie to his purpose, unless he allows the same in the Godhead?* I grant he doth so, but he saith, the *Substance* is that which is common to the whole kind; the *Hypostasis* is that which properly distinguisheth one Individual from another; which he calls the τὸ ἰδιάζον the peculiar incommunicable Property. Which he describes by *a Concourse of distinguishing Characters in every Individual.* But how doth he apply these things to the divine Nature? For therein lies the whole difficulty. Doth he own such a *Community of Nature,* and *Distinction of Individuals* there? He first confesses the divine Nature to be incomprehensible by us; but yet we may have some distinct Notions about these things. As for instance, *In the Father we conceive something common to him and to the Son; and that is the divine Essence; and the same as* Συνδρομὴ τῶν περὶ ἑκάστου ἰδιωμάτων.

to

to the Holy Ghoſt. But there muſt be ſome proper Characters to diſtinguiſh theſe one from another; or elſe there will be nothing but confuſion: which is *Sabellianiſm.* Now *the eſſential Attributes and divine Operations are common to them*; and therefore theſe cannot diſtinguiſh them from each other. And thoſe are the *peculiar Properties of each Perſon*, as he ſhews at large.

But may not each Perſon have a diſtinct Eſſence belonging to him, as we ſee it is among Men?

Οὐ γὰρ ἔστιν ἐπινοῆσαι τομήν, ἢ διαίρεσιν καθ' ἑκάτερον, p. 810. B.

For this St. *Baſil* anſwers: (1.) He utterly denies any poſſible *Diviſion in the divine Nature.*

And he never queſtion'd, but the diſtinction of Individuals under the ſame *Species* was a ſort of *Diviſion*, although there were no *Separation.* And the followers of *Joh. Philoponus* did hold *an indiſſoluble Union* between the three individual Eſſences in the divine Nature; but they held a diſtinction of *peculiar Eſſences*, beſides the *common Nature*, which they called μερικὰς οὐσίας καὶ ἰδικὰς θεότητας and ἰδικὰς φύσεις; as appears by *Photius*, who was very able to judge. And it appears by one of themſelves in *Photius*, that the Controverſie was, whether an *Hypoſtaſis* could be without an individual Eſſence belonging to it ſelf; or whether the *peculiar Properties* and *Characters* did make the *Hypoſtaſis.* But as to St. *Baſil*'s Notion we are to obſerve: (2.) That he makes the divine Eſſence to be *uncapable of Number*, by reaſon of its perfect Unity. Here our *Unitarians* tell us, that when St. *Baſil* ſaith, *That God is not one in number, but in nature, he means; as the Nature of Man is one, but there are many particular Men, as* Peter, James *and* John, &c. *ſo the Nature of God, or the common Divinity is one, but there are as truly more Gods in number, or more particular Gods, as there are more particular Men.* But that this is a groſs miſtake or abuſe of St. *Baſil*'s meaning, I ſhall make it plain from himſelf. For, they ſay, *That he held, that as to this queſtion, How many Gods? it muſt be anſwer'd, Three Gods in number, or three perſonal Gods, and one in Nature, or divine Properties*; whereas he is ſo far from giving ſuch an anſwer, that he abſolutely denies that there can be more Gods than one in that very place. He mentions it as an Objection, that ſince he ſaid, *That the Father is God, the Son God, the Holy Ghoſt God; he muſt hold three Gods*; to which he anſwers, *We own but one God, not in Number, but in Nature:* Then, ſay they, *He held but one God in Nature and more in Number.* That is ſo far from his meaning, that I hardly think any that read the paſſage in St. *Baſil*, could ſo wilfully pervert his meaning. For his intention was ſo far from aſſerting *more Gods in Number*, that it was to prove ſo perfect a Unity in God, that he was not capable of number, or of being *more* than *one.* For, ſaith he, *That which is ſaid to be one in number, is not really and ſimply one, but is made up of many, which by compoſition become one; as we ſay, the World is one, which is made up of many things. But God is a ſimple uncompounded Being; and therefore cannot be ſaid to be one in number. But the World is not one by Nature, becauſe it is made up of ſo many things, but it is one by Number, as thoſe ſeveral parts make but one World.* Is not this fair dealing with ſuch a Man as St. *Baſil*, to repreſent his Senſe quite otherwiſe than it is? As though he allow'd *more Gods than one in Number? Number*, ſaith he again, *belongs to Quantity, and Quantity to Bodies, but what relation have theſe to God, but as he is the Maker of them? Number belongs to material and circumſcribed Beings; but*, ſaith he, *the moſt perfect Unity is to be conceived in the moſt ſimple and incomprehenſible Eſſence.* Where it is obſervable, that he uſes thoſe Words which are allow'd to expreſs the moſt perfect and ſingular Unity. This *Petavius* himſelf confeſſeth, that they can *never be underſtood of a ſpecifick Nature:* and *Curcellæus* cannot deny, *That* μόνος *being added to* Θεὸς; *doth reſtrain the Senſe more to a numerical*

Diſcourſe concerning the nominal and real Unitar. p. 26, 27.

Baſil. Ep. 141.

Cod 234

Phot. Cod. 24.

ἡ δὲ Μονὰς καὶ Ἑνὰς τῆς ἁπλῆς καὶ ἀσυνθέτου οὐσίας ὅτι τυμανικόν. Baſil. Tom. II. p. 96.

Petav. de Trinit. l. 4. c. 13. n. 10.

rical Unity, as he calls it. How then is it poſſible to underſtand St. *Baſil* of more *Gods than one in number?* And in the very ſame Page he mentions the ταυτότης τῆς φύσεως, the *Sameneſs of the divine nature*, by which the ὁμοούσιον is better underſtood.

But *Curcellæus* will have no more than a *ſpecifick Unity* underſtood. Before he ſaid, that ταυτοότης *would have ſignified more*, but now he finds it uſed, the caſe is alter'd: So that the Fathers could not mean any other than a *ſpecifick Unity*, let them uſe what Expreſſions they pleas'd. But theſe, I think, are plain enough to any one that will not ſhut his Eyes. Cur. n. 106.

In another place St. *Baſil* makes the ſame objection, and gives the ſame anſwer. *One God the Father, and one God the Son; how can this be, and yet not two Gods? Becauſe*, ſaith he, *the Son hath the very ſame Eſſence with the Father. Not two Eſſences divided out of one, as two Brothers, but as Father and Son, the Son ſubſiſting as from the Father, but in the ſame individual Eſſence*: τὸ ἓν τῆς οὐσίας ταυτόν. Baſil. T. I. p. 604.

But *Curcellæus* hath one fetch yet, *viz. That St.* Baſil *denied God to be one in Number, and made him to be one in Nature, becauſe he look'd on a ſpecifick Unity, or Unity of Nature, as more exact than numerical.* St. *Baſil* look'd on the divine Nature as ſuch to have the *moſt perfect Unity*, becauſe of its *Simplicity*, and not in the leaſt ſpeaking of it as a *ſpecifick Unity*; but *Curcellæus* himſelf calls this *an Unity by a mere Fiction of the Mind*; and can he imagine this to have been more *accurate* than a real Unity? Theſe are hard ſhifts in a deſperate cauſe. Cur. n. 113. N. 105.

After all, our *Unitarians* tell us, *That St.* Baſil *doth againſt* Eunomius *allow a diſtinction in Number with reſpect to the Deity.* But how? *As to the Eſſence?* By no means. For he aſſerts the *perfect Unity* thereof in the ſame place, even the *Unity of the Subſtance.* But as to the *characteriſtical Properties of the Perſons*, he allows of *Number*, and no farther. But ſay they, *This is to make one God as to Eſſential Properties, and three as to Perſonal.* How can that be, when he ſaith ſo often, there can be but one God, becauſe there can be but one divine Eſſence; and therefore thoſe Properties can only make diſtinct *Hypoſtaſes*, but not *diſtinct Eſſences.* And is this indeed *the great Secret* which *this bold Man*, as they call him, hath diſcover'd? I think thoſe are much *more bold*, (I will not ſay impudent) who upon ſuch ſlight grounds charge him with aſſerting *more Gods than one in number.* T. II. p 30.

But *Gregory Nyſſen*, ſaith *Curcellæus*, ſpeaks more plainly in his Epiſtle to *Ablabius*; for ſaith he, *To avoid the difficulty of making three Gods as three Individuals among Men are three Men; he anſwers, that truly they are not three Men, becauſe they have but one common Eſſence, which is exactly one, and indiviſible in it ſelf, however it be diſperſed in Individuals: the ſame, he ſaith, is to be underſtood of God.* And this *Petavius* had charged him with before, as appears by *Curcellæus* his *Appendix.* Cur. n 105. Greg. Nyſſen. Tom. III. p. 17. Petav. de Trin. l. 4. c. 9. n. 2, 3.

This ſeems the hardeſt paſſage in Antiquity for this purpoſe; to which I hope to give a ſatisfactory Anſwer from *Gregory Nyſſen* himſelf.

1. It cannot be denied, that he aſſerts the *Unity of Eſſence* to be *indiviſible in it ſelf*, and to be the true ground of the Denomination of Individuals; as *Peter* hath the Name of a Man, not from his *individual properties* whereby he is diſtinguiſhed from *James* and *John*; but from that *one and viſible Eſſence* which is common to them all, but yet receives no Addition or Diminution in any of them. ἀλλ' ὁ μὲν καθόλου λόγος διὰ τὰς ἐνθεωρουμένας ἰδιότητας τὴν διαιρετὸν ἔχει

2. He grants a *Diviſion* of *Hypoſtaſes* among Men; notwithſtanding this *Indiviſibility of one common Eſſence*: For ſaith he, among Men, although the Eſſence remain one and the ſame in all, without any Diviſion, yet *the ſeveral Hypoſtaſes are divided from each other, according to the individual properties*

perties belonging to them. So that here is a double conſideration of the Eſſence: as in it ſelf, ſo it is one, and indiviſible; as it ſubſiſts in Individuals, and ſo it is actually divided according to the Subjects. For although the Eſſence of a Man be the ſame in it ſelf in *Peter*, *James* and *John*; yet taking it as in the Individuals, ſo the particular Eſſence in each of them is divided from the reſt. And ſo *Philoponus* took *Hypoſtaſis* for *an Eſſence individuated by peculiar Properties*; and therefore aſſerted, that where-ever there was an *Hypoſtaſis*, there muſt be a diſtinct Eſſence; and from hence he held the three Perſons to have three diſtinct Eſſences.

Niceph. Calliſt. hiſt. *l.* 18. *c.* 47.

3. We are now to conſider how far *Gregory Nyſſen* carried this, whether he thought it held equally as to the *divine Hypoſtaſis*; and that he did not, appears to me from theſe arguments:

1. He utterly denies *any kind of Diviſion* in the divine Nature; for in the concluſion of that Diſcourſe, he ſaith, *it is not only* ἀπαραλλαξία, (a word often uſed by the Greek Fathers on this occaſion, from whence *Athanaſius* againſt *Macedonius* inferr'd an *Identity*, and *Cæſarius* joins τὸ ταυτὸν τῆς οὐσίας καὶ τὸ ἀπαραλλακτον τῆς θεότητος; and ſo St. *Baſil* uſes it) but he adds another Word, which is ἀδιαίρετος, Indiviſible. *Yes, as all Eſſences are indiviſible in themſelves, but they may be divided in their Subjects, as* Gregory Nyſſen *allows it to be in Men.* I grant it, but then he owns a Diviſion of ſome kind, which he here abſolutely denies as to the divine Nature; for his words are, that it is ἀδιαίρετος διὰ πάσης ἐνοίας in any conſideration whatſoever. *Then he muſt deſtroy the Hypoſtaſes.* Not ſo neither, for he allows that there is a διαφορὰ as to the *Hypoſtaſes* however. For he propoſes the Objection himſelf, *That by allowing no difference in the divine Nature, the Hypoſtaſes would be confounded.* To which he anſwers, *That he did not deny their difference, which was founded in the relation they had to one another*, which he there explains; and that *therein only conſiſts the difference of the Perſons.* Which is a very conſiderable teſtimony, to ſhew that both *Petavius* and *Curcellæus* miſtook *Gregory Nyſſen*'s meaning. But there are other arguments to prove it.

Athan. T. II. *p.* 280, Cæſar. Quæſt. 3. *p.* 12.

Ὅτι τὸ ἀπαραλλακτον τῆς φύσεως ὁμολογοῦμες τὴν καὶ τὸ ἄϊδιον καὶ ἀδιαίρετον διαφορὰν οὐκ ἀρνούμεθα, ἐν ᾧ μόνῳ διακρίνεσθαι τὸ ἕτερον τοῦ ἑτέρου καταλαμβάνομεν.

2. He aſſerts ſuch a difference between the divine and human Perſons, as is unanſwerable, *viz.* the *Unity of Operation. For*, ſaith he, *among Men, if ſeveral go about the ſame Work, yet every particular Perſon works by himſelf, and therefore they may well be called many, becauſe every one is circumſcribed; but in the divine Perſons he proves that it is quite otherwiſe, for they all concur in the Action towards us*, as he there ſhews at large. *Petavius* was aware of this, and therefore he ſaith, *he quitted it and returned to the other*; whereas he only ſaith, *If his Adverſaries be diſpleaſed with it, he thinks the other ſufficient.* Which in ſhort is, that Eſſence in it ſelf is one and indiviſible, but among Men it is divided according to the Subjects; that the divine Nature is capable of no Diviſion at all, and therefore the difference of *Hypoſtaſes* muſt be from the different Relations and manner of *Subſiſtence.*

3. He expreſſes his meaning fully in another place. For in his *Catechetical Oration*, he ſaith, *he looks on the Doctrine of the Trinity as a profound Myſtery*, (which three *individual Perſons* in one *ſpecifick Nature* is far from.) But wherein lies it? Chiefly in this, *That there ſhould be Number and no Number, different View and yet but one, a diſtinction of Hypoſtaſes, and yet no Diviſion in the Subjects.* For ſo his words are, καὶ ἓ μεμήνυται τὸ ὑποκείμενον, which is contrary to what he ſaid of *human Hypoſtaſes.* Now what is the *Subject* in this caſe? According to *Curcellæus* his Notion, it muſt be an *Individual.* But ſince he aſſerts there can be *no Diviſion in the Subjects*, then he muſt overthrow any ſuch *Individuals* as are among Men. Theſe are the chief Teſtimonies out of the *Greek Fathers*, whoſe authority *Curcellæus* and others

Greg. Nyſſen. Tom. III. *p.*

others rely most upon as to this matter, which I have therefore more particularly examin'd.

But St. *Jerom*, saith *Curcellæus*, in his Epistle to *Damasus*, *thought three Hypostases implied three distinct Substances; and therefore when the* Campenses *would have him own them, he refused it, and asked his Advice.* Then it is plain St. *Jerom* would not own *three distinct Substances*, and so could not be of *Curcellæus* his mind. But saith he, St. *Jerom* meant *by three Substances, three Gods different in kind, as the* Arians *did.* But how doth that appear? *Doth he not say the* Arian *Bishop and the* Campenses *put him upon it?* But who was this *Arian Bishop*, and these *Campenses?* No other than the *Meletian Party*; for *Meletius* was brought in by the *Arians*, but he joined against them with St. *Basil* and others, who asserted three *Hypostases*; and the *Campenses* were his People who met without the Gates, as the Historians tell us. But it is evident by St. *Jerom*, that the Latin Church understood *Hypostasis* to be the same then with *Substance*; and the reason why they would not allow three *Hypostases*, was, because they would not assert *three Substances.* So that *Curcellæus* his *Hypothesis* hath very little colour for it among the *Latin Fathers*; since St. *Jerom* there saith, it would be *Sacrilege to hold three Substances*; and he freely bestows an *Anathema* upon any one that asserted more than one.

Cur. n. 48. N. 107.

But *Hilary*, saith *Curcellæus*, *owns a specifick Unity*; for in his Book *de Synodis*, he shews, *That by one Substance they did not mean one individual Substance, but such as was in* Adam *and* Seth, *that is of the same kind.* No Man asserts the *Unity* and *Indiscrimination* of the divine Substance more fully and frequently than he doth, and that without any Difference or Variation as to the Father and the Son. And although against the *Arians* he may use that for an Illustration of *Adam* and *Seth*; yet when he comes to explain himself, he declares it must be understood in a way agreeable to the divine Nature. And he denies any *Division of the Substance* between Father and Son, but he asserts one and the same Substance to be in both; and *although the Person of the Son remains distinct from the Person of the Father, yet he subsists in that Substance of which he was begotten, and nothing is taken off from the Substance of the Father, by his being begotten of it.*

Cur. n. 89. Hilar. de Synod. n. 67. Hilar. de Trinit. l. 4. n. 6.

But doth he not say, *That he hath a Legitimate and proper Substance of his own begotten Nature from God the Father? And what is this but to own two distinct Substances?*

Hilar. de Synod. n. 18.

How can the *Substance be distinct*, if it be the very same, and the *Son subsist in that Substance of which he was begotten?* And that *Hilary* (besides a multitude of passages to the same purpose in him) cannot be understood of two distinct Substances will appear by this Evidence.

The *Arians* in their Confession of Faith before the Council of *Nice* set down among the several Heresies which they condemned, that of *Hieracas*, who said *the Father and Son were like two Lamps shining out of one common Vessel of Oil.* *Hilary* was sensible that under this that Expression was struck at *God of God, Light of Light*, which the Church owned. His Answer is, *Luminis Naturæ Unitas est, non ex connexione porrectio*, i. e. they are not two divided Lights from one common Stock, but the same Light remaining after it was kindled that it was before; as appears by his Words, *Light of Light*, saith he, implies, That it gives to another that which it continues to have itself. And *Petavius* saith, that the Opinion of *Hieracas* was, *That the substance of the Father and Son differ'd numerically as one Lamp from another.* And *Hilary* calls it an Error of human Understanding, which would judge of God, by what they find in one another.

Hilar. de Trinit. l. 6. n. 12.

Lumen ex lumine, quod sine detrimento suo naturam suam præstat ex sese, & quod dat habeat, nascaturq; quod sit.

Petav. de Trinit. l. 5. c. 8. n. 9, 12.

Curcell. n. 96. Doth not St. *Ambroſe* ſay, as *Curcellæus* quotes him, *That the Father and Son are not two Gods, becauſe all Men are ſaid to be of one Subſtance?*

Ambroſ. de Fide l. 5. c. 3. ed. Nov. But St. *Ambroſe is directly againſt him.* For he ſaith, *The* Arians *objected, that if they made the Son true God, and Conſubſtantial with the Father, they muſt make two Gods; as there are two Men, or two Sheep of the ſame Eſſence; but a Man and a Sheep are not ſaid to be Men, or two Sheep. Which they ſaid to excuſe themſelves, becauſe they made the Son of a different kind and ſubſtance from the Father.* And what Anſwer doth St. *Ambroſe* give to this?

1. He ſaith, *Plurality according to the Scriptures rather falls on thoſe of different kinds*; and therefore when they make them of ſeveral kinds, they muſt make ſeveral Gods.

2. That we who hold but *One Subſtance, cannot make more Gods than One.*

3. To his inſtance of Men, he anſwers, *That although they are of the ſame Nature by Birth, yet they differ in Age, and Thought, and Work, and Place from one another; and where there is ſuch Diverſity, there cannot be Unity; but in God there is no difference of Nature, Will, or Operation; and therefore there can be but one God.*

Cur. n. 97. The laſt I ſhall mention is St. *Auguſtine*, whom *Curcellæus* produces to as little purpoſe; for although he doth mention the ſame inſtance *of ſeveral Men being of the ſame kind*; yet he ſpeaks ſo expreſly againſt a *Specifick Unity* in

Aug. de Trinit. l. 7. c. 6. God; that he ſaith, *The Conſequence muſt be, that the three Perſons muſt be three Gods; as three humane Perſons are three Men.* And in another place,

C. Maxim. l. 1. *That the Father, Son and Holy Ghoſt, are One in the ſame individual Nature.* And what ſaith *Curcellæus* to theſe places, for he was aware of them. To the latter he ſaith, *That by Individual, he means Specifick.* This is an extra-

Cur. n. 114. ordinary Anſwer indeed. But what Reaſon doth he give for it? *Becauſe they are not divided in Place or Time, but they may have their proper Eſſences however.*

But where doth St. *Auguſtin* give any ſuch Account of it? He often

Auguſt de Trinit l. 4. c. 21. l. 5. c. 3, 5, 8. l. 6. c. 1. De Agone Chriſt. c. 16. C. Maxim. l. 3. c. 10. ſpeaks upon this Subject; but always gives another Reaſon, *viz.* becauſe they are but *one and the ſame Subſtance. The Three Perſons are but One God, becauſe they are of One Subſtance; and they have a perfect Unity, becauſe there is no Diverſity of Nature, or of Will.* But it may be ſaid, *That here he ſpeaks of a Diverſity of Nature.* In the next Words he explains himſelf, that the Three Perſons are One God, *propter ineffabilem conjunctionem Deitatis*; but the Union of three *Perſons* in *one Specifick Nature, is* no *ineffable Conjunction*, it being one of the commoneſt things in the World; and in the ſame Chapter, *propter Individuam Deitatem unus Deus eſt; & propter uniuſcujuſque Proprietatem tres Perſonæ ſunt.* Here we find one Individual Nature; and no difference but in the peculiar Properties of the Perſons.

In the other place he is ſo expreſs againſt *a ſpecifick Unity*, that *Curcellæ-*

Cur. n. 114. *us* his beſt Anſwer is, *That in that Chapter he is too intricate and obſcure*, i. e. He durſt not to ſpeak his Mind.

Thus much I thought fit to ſay in anſwer to thoſe *undeniable Proofs* of *Curcellæus*, which our *Unitarians* boaſt ſo much of, and whether they be ſo or not, let the Reader examine and judge.

CHAP.

CHAP. VII.

The Athanasian Creed *clear'd from Contradictions.*

III. I Now come to the last thing I proposed, *viz.* to shew, *That it is no contradiction to assert three Persons in the* Trinity *and but one God*; and for that purpose, I shall examine the Charge of *Contradictions* on the *Athanasian Creed. The sum of the first Articles*, say they, *is this, The one true God is three distinct Persons, and three distinct Persons, Father, Son and Holy Ghost are the one true God. Which is plainly, as if a Man should say*, Peter, James *and* John, *being three Persons are one Man*; *and one Man is these three distinct Persons*, Peter, James *and* John. *Is it not now a ridiculous Attempt as well as a barbarous Indignity, to go about thus to make Asses of all Mankind, under pretence of teaching them a Creed.* This is very freely spoken, with respect, not merely to our Church, but the Christian World, which owns this Creed to be a *just and true Explication* of the Doctrine of the Trinity. But there are some Creatures as remarkable for their untoward kicking, as for their Stupidity. And is not this great skill in these Matters, to make such a Parallel between *three Persons in the Godhead* and *Peter*, *James* and *John?* Do they think there is no difference between an infinitely perfect Being, and such finite limited Creatures as Individuals among Men are? Do they suppose the divine Nature capable of such *Division* and *Separation* by Individuals, as humane Nature is? *No*, they may say, *but ye who hold three Persons must think so*: For what reason? We do assert three Persons, but it is on the account of divine Revelation, and in such a manner, as the divine Nature is capable of it. For it is a good rule of *Boethius*, *Talia sunt prædicata, qualia subjecta permiserint.* We must not say that there are Persons in the Trinity, but in such a manner as is agreeable to the divine Nature; and if that be not capable of *Division* and *Separation*, then the Persons must be in the same undivided Essence. The next Article is, Neither confounding the Persons, nor dividing the Substance; *But how can we*, say they, *not confound the Persons that have, as ye say, but one numerical Substance? And how can we but divide the Substance, which we find in three distinct divided Persons?* I think the terms *numerical Substance* not very proper in this case; and I had rather use the Language of the *Fathers*, than of the *Schools*; and some of the most judicious and learned Fathers would not allow the terms of *one numerical Substance* to be applied to the divine Essence. For their Notion was, That *Number* was only proper for compound Beings, but God being a pure and simple Being, was *one by Nature* and *not by Number*, as St. *Basil* speaks (as is before observed) because he is not compounded, nor hath any besides himself to be reckon'd with him. But because there are different *Hypostases*, therefore they allow'd the use of *Number* about them, and so we may say the Hypostases or Persons are *numerically different*; but we cannot say that the Essence is *one Numerically.* But why must they *confound the Persons, if there be but one Essence?* The relative Properties cannot be confounded; for the Father cannot be the Son, nor the Son the Father; and on these the difference of Persons is founded. For, there can be no difference, as to essential Properties, and therefore all the difference, or rather distinction must be from those that are Relative. A Person of it self imports no *Relation*, but the Person of the Father or of the Son must; and these Relations cannot be confounded with one another. And if the Father cannot be the Son, nor the Son the Father, then they must be distinct from each other. But

Notes on Athanasius his Creed, p. 11.

Basil. Ep. 141.

how? *By dividing the Subſtance?* That is impoſſible in a Subſtance that is indiviſible. It may be ſaid, *That the Eſſence of created Beings is indiviſible, and yet there are divided Perſons.* I grant it, but then a created Eſſence is capable of different accidents and qualities to divide one Perſon from another, which cannot be ſuppoſed in the divine Nature; and withal the ſame power which gives a Being to a created Eſſence, gives it a ſeparate and divided Exiſtence from all others. As when *Peter*, *James*, and *John* received their ſeveral diſtinct Perſonalities from God; at the ſame time he gave them their ſeparate Beings from each other, although the ſame Eſſence be in them all.

But how can we but divide the Subſtance which we ſee in three diſtinct divided Perſons? The queſtion is, Whether the diſtinct Properties of the Perſons do imply a *Diviſion* of the *Subſtance?* We deny that the *Perſons* are *divided* as to the *Subſtance*, becauſe that is impoſſible to be divided; but we ſay, they are and muſt be diſtinguiſhed as to thoſe incommunicable Properties which make the Perſons diſtinct. *The eſſential Properties* are uncapable of being divided, and the *Relations* cannot be confounded; ſo that there muſt be *one undivided Subſtance* and yet *three diſtinct* Perſons.

But every Perſon muſt have his own proper Subſtance; and ſo the Subſtance muſt be divided if there be three Perſons. That every Perſon muſt have a Subſtance to ſupport his Subſiſtence is not denied, but the queſtion is, Whether that Subſtance muſt be divided or not. We ſay, where the Subſtance will bear it, as in created Beings a Perſon hath a ſeparate Subſtance, *i. e.* the ſame Nature diverſified by Accidents, Qualities and a ſeparate Exiſtence, but where theſe things cannot be, there the *ſame Eſſence* muſt remain undivided, but with ſuch relative Properties as cannot be confounded. *But may not the ſame undivided Subſtance be communicated to three divided Perſons; ſo as that each Perſon may have his own proper Subſtance, and yet the divine Eſſence be in it ſelf undivided?* This is not the caſe before us. For the queſtion upon the Creed is, Whether the Subſtance can be divided? And here it is allow'd to remain undivided. *Yes, in it ſelf, but it may be divided in the Perſons.* The Subſtance, we ſay, is uncapable of being divided any way; and to ſay, that a Subſtance wholly undivided in it ſelf, is yet divided into as many proper and peculiar Subſtances, as there are Perſons, doth not at all help our Underſtanding in this matter; but if no more be meant, as is expreſly declared, than *That the ſame one divine Nature is wholly and entirely communicated by the eternal Father to the eternal Son, and by Father and Son to the eternal Spirit, without any diviſion or ſeparation*; it is the ſame which all *Trinitarians* aſſert. And it is a great pity, that any *new Phraſes* or Ways of Expreſſion ſhould cauſe unreaſonable Heats among thoſe who are really of the ſame Mind. For thoſe who oppoſe the Expreſſions of *three diſtinct Subſtances* as new and dangerous; yet grant, *That it is one peculiar Prerogative of the divine Nature and Subſtance, founded in its infinite, and therefore tranſcendent Perfection, whereby it is capable of reſiding in more Perſons than one; and is accordingly communicated from the Father to the Son and Holy Ghoſt; but this is done without any Diviſion or Multiplication.* Now if both Parties mean what they ſay, where lies the difference? It is ſufficient for my purpoſe that they are agreed, that there can be no *Diviſion* as to the *divine Eſſence* by the diſtinction of Perſons. And ſo this paſſage of the *Athanaſian* Creed holds good, *Neither confounding the Perſons nor dividing the Subſtance.*

The next Article, as it is ſet down in the *Notes on* Athanaſius *his Creed*, is a contradiction to this. For there it runs, " There is one Subſtance of " the Father, another of the Son another of the Holy Ghoſt. They might well charge it with *Contradictions* at this rate. But that is a plain miſtake for

Perſon;

Person; for there is no other variety in the Copies but this, that *Bayfius* his Greek Copy hath ὑπόστασις, and that of *Constantinople* πρόσωπον, but all the Latin Copies *Persona*. But what consequence do they draw from hence? *Then*, say they, *The Son is not the Father, nor the Father the Son, nor the Holy Ghost either of them.* If they had put in *Person* as they ought to have done, it is what we do own. And what follows? *If the Father be not the Son, and yet is the one true God, then the Son is not the one true God, because he is not the Father.* The *one true God* may be taken two ways: 1. The *one true God*, as having the *true divine Nature* in him, and so the *Father* is the *one true God*; but not exclusive of the Son, if he have the same *divine Nature*. 2. The *one true God*, as having the *divine Nature* so *wholly in himself*, as to make it incommunicable to the Son; *so* we do not say, that the Father is the *one true God*, because this must exclude the Son from being God; which the Scripture assures us that he is; and therefore though the Son be not the Father, nor the Father the Son, yet the Son may be the *one true God* as well as the Father, because they both partake of the *same divine Nature*, so that there is no contradiction in this, *That there is but one true God, and one of the Persons is not the other.* For that supposes it impossible, that there should be three Persons in the same Nature; but if the distinction of *Nature* and *Persons* be allow'd, as it must be by all that understand any thing of these matters, then it must be granted, that although one Person cannot be another, yet they may have the same common Essence. As for instance, let us take their own, *Peter*, *James* and *John*. What pleasant arguing would this be, *Peter* is not *James* nor *John*, nor *James* nor *John* are *Peter*, but *Peter* hath the true Essence of a Man in him; and the true Essence is but one and indivisible; and therefore *James* and *John* cannot be true Men, because *Peter* hath the *one* and *indivisible Essence* of a *Man* in him? But they will say, *We cannot say that* Peter *is the One true Man*, as we say, *That the Father is the One true God.* Yes, we say the same in other Words, for he can be said to be the *One true God* in no other Respect, but as he hath the *One true divine Essence.* All the difference lies, that a finite Nature is capable of *Division*, but an infinite is not.

It follows, " The Godhead of the Father, and of the Son, and of the " Holy Ghost is all one, the Glory Equal, the Majesty Co-eternal.

To this they say, *That this Article doth impugn and destroy it self.* How so? *For, if the Glory and Majesty be the same in Number, then it can be neither Equal, nor Co-eternal. Not Equal for it is the same, which Equals never are, nor Co-eternal for that intimates that they are distinct. For nothing is Co eternal, nor Cotemporary with it self.*

There is no appearance of Difficulty or Contradiction in this, if the Distinction of *Persons* is allowed; for the *three Persons* may be well said to be *Co-equal and Co eternal*; and if we *honour the Son, as we honour the Father*, we must give *equal Glory* to him.

But one great Point of *Contradiction* remains, *viz.* " So that the Father " is God, the Son is God, and the Holy Ghost is God, and yet there are " not three Gods, but one God.

First, they say, *This is as if a Man should say, the Father is a Person, the Son a Person, and the Holy Ghost a Person, yet there are not three Persons, but one Person.* How is this possible, if a *Person* doth suppose some *peculiar Property*, which must distinguish him from all others? And how can *three Persons* be *one Person*, unless three incommunicable Properties may become one communicated Property to three Persons? But they are aware of a Distinction in this Case, *viz.* That the term God is used *Personally*, when it is said, *God the Father, God the Son, and God the Holy Ghost*; but when it is said, *There are not three Gods, but one God, the term God is used Essentially*, and

Notes on Athanasius's *Creed*, p. 13.

and therefore comprehends the whole three Persons, so that there is neither a *Grammatical*, nor *Arithmetical Contradiction*. And what say our *Unitarians* to this? Truly no less, *Than that the Remedy is worse (if possible) than the Disease*. Nay then we are in a very ill Case. But how I pray doth this appear? 1. Say they, *Three personal Gods and one essential God make four Gods, if the essential God be not the same with the personal Gods; and though he is the same, yet since they are not the same with one another, but distinct, it follows that there are three Gods*, i.e. *three personal Gods*. 2. *It introduces two sorts of Gods, three Personal and one Essential. But the Christian Religion knows and owns but One, true and most high God of any sort*. So far then we are agreed, *That there is but One true and most high God*; and that because of the perfect *Unity* of the *Divine Essence*, which can be no more than One, and where there is but *One Divine Essence*, there can be but *One true God*, unless we can suppose a God without an Essence, and that would be a strange sort of God. He would be a *personal God* indeed in their critical Sense of a *Person* for a shape or appearance. *But may not the same Essence be divided?* That I have already shewed to be impossible. Therefore we cannot make so many *personal Gods*, because we assert one and the same Essence in the three Persons of the Father, Son and Holy Ghost. *But they are distinct, and therefore must be distinct Gods, since every one is distinct from the other*. They are distinct as to *personal Properties*, but not as to *essential Attributes*, which are and must be the same in all: So that here is but one essential God, and three Persons.

But after all, why do we assert three Persons in the Godhead? Not because we find them in the *Athanasian Creed*, but because the Scripture hath revealed that there are *Three*, Father, Son, and Holy Ghost, to whom the Divine Nature and Attributes are given. This we verily believe that the Scripture hath revealed; and that there are a great many places, of which we think no tolerable Sense can be given without it; and therefore we assert this Doctrine on the same Grounds on which we believe the Scriptures. And if there are *three Persons* which have the *Divine Nature* attributed to them, what must we do in this Case? Must we cast off the *Unity of the Divine Essence?* No, that is too frequently and plainly asserted for us to call it into Question. Must we reject those Scriptures which attribute Divinity to the Son and Holy Ghost, as well as to the Father? That we cannot do, unless we cast off those Books of Scripture, wherein those things are contained.

But why do we call them Persons, when that Term is not found in Scripture, and is of a doubtful Sense? The true Account whereof I take to be this: It

Facund *l.* 1. *p.* 19. Ed. Sirm.

is observed by *Facundus Hermianensis*, that *the Christian Church received the Doctrine of the Trinity before the Terms of three Persons were used. But* Sabellianism *was the occasion of making use of the name of Persons*. It's true, That the *Sabellians* did not dislike one Sense of the Word *Person*, (which they knew was not the Church's Sense) as it was taken for an *Appearance* or an *external Quality*; which was consistent enough with their *Hypothesis*, who allow'd but *One real Person* with *different Manifestations*. That this was their true Opinion, appears from the best account we have of their Doctrine, from the first Rise of *Sabellianism*. The Foundations of it were laid in the earliest and most dangerous Heresies in the Christian Church, *viz.* that which is commonly called by the name of the *Gnosticks*, and that of the *Cerinthians* and *Ebionites*. For how much soever they differ'd from each other in other things; yet they both agreed in this, that there was no such thing as a *Trinity*, consisting of *Father, Son and Holy Ghost*; but that all was but different *Appearances* and *Manifestations* of God to Mankind. In consequence whereof, the *Gnosticks* denied the very *Humanity* of Christ,

and

and the *Cerinthians* and *Ebionites* his *Divinity*. But both these sorts, were utterly rejected the Communion of the Christian Church; and no such thing as *Sabellianism* was found within it. Afterwards there arose some Persons who started the same Opinion within the Church; the first we meet with of this sort are those mention'd by *Theodoret*, *Epigonus*, *Cleomenes*, and *Noetus*, from whom they were called *Noetians*. Not long after, *Sabellius* broached the same Doctrine in *Pentapolis*, and the parts thereabouts, which made *Dionysius* of *Alexandria* appear so early and so warmly against it. But he happening to let fall some Expressions, as though he asserted an *Inequality* of *Hypostases* in the *Godhead*, Complaint was made of it to *Dionysius* then Bishop of *Rome*; who thereupon explained that which he took to be the true Sense of the Christian Church in this matter, which is still preserved in *Athanasius*: Therein he disowns the *Sabellian Doctrine*, which *confounded the Father, Son and Holy Ghost, and made them to be the same*; and withal, he rejected those who held *three distinct and separate Hypostases*, as the *Platonists*, and after them, the *Marcionists* did. *Dionysius* of *Alexandria*, when he came to explain himself, agreed with the others, and asserted the Son to be *of the same Substance with the Father*, as *Athanasius* hath proved at large; but yet he said, *That if a distinction of Hypostases were not kept up, the Doctrine of the Trinity would be lost*, as appears by an Epistle of his in St. *Basil*. *Athanasius* saith, *That the Heresy* of *Sabellius* lay in making *the Father and Son to be only different Names of the same Person*; *so that in one respect he is the Father, and in another the Son*. *Gregory Nazianzen* in opposition to *Sabellianism*, saith, *We must believe one God, and three Hypostases*, and commends *Athanasius* for preserving the true Mean, in asserting *the Unity of Nature, and the Distinction of Properties*. St. *Basil* saith, *That the* Sabellians *made but one Person of the Father and Son*; *that in Name they confessed the Son, but in reality they denied him*. In another place, *That the* Sabellians *asserted but one Hypostasis in the divine Nature, but that God took several Persons upon him as occasion required*; *sometimes that of a Father, at other times of a Son*; and so *of the Holy Ghost*. And to the same purpose in other places, he saith, *That there are distinct Hypostases with their peculiar properties*; *which being joined with the Unity of Nature, make up the true Confession of Faith*. There were some who would have but *one Hypostasis*, whom he opposes with great vehemency; and the Reason he gives, is, *That then they must make the Persons to be mere Names*, which is *Sabellianism*. And he saith, *That if our Notions of distinct Persons have no certain Foundation they are mere Names, such as* Sabellius *called Persons*. But by this *Foundation* he doth not mean any *distinct Essences*, but *the incommunicable Properties belonging to them, as Father, Son and Holy Ghost*.

Theod. Haret. Fab. *l.* 2. *c.* 3.

Athan. de Sent. Dionys. *p.* 558.

Athanas. de Decret. Fidei Nicen. *p.* 275.

Athanas. de Sent. Dionys.

Basil de Sp. Sancto *c.* 29.

Athan. Orat. 4. c. Arian *p.* 456.

Greg. Nazian. Or. I. *p.* 16, 17. Or. XXI. *p.* 380.

Basil Hom. 27. *p.* 602. 604. Basil Epist. 141. Epist. 64. 391.

It is plain from hence, that the necessity of asserting *three Hypostases*, came from thence, that otherwise they could not so well distinguish themselves from the *Sabellians*, whose Doctrine they utterly disown'd, as well as *Arianism* and *Judaism*; and it appears by the Testimonies of *Athanasius*, *Gregory Nazianzen*, and St. *Basil*, that they look'd on one *as bad as the other*, and they commonly join *Judaism* and *Sabellianism* together.

Athanas. *p.* 567. Greg. Naz. *p.* 16.

But yet there arose Difficulties, whether they were to hold one *Hypostasis* or *three*. The former insisted on the generally received Sense of *Hypostasis* for *Substance* or *Essence*; and therefore they could not hold three *Hypostases* without three *distinct Essences*, as the *Platonists* and *Marcionists* held. Upon this a Synod was called at *Alexandria* to adjust this matter, where both Parties were desired to explain themselves. Those who held three Hypostases were asked, *Whether they maintained three Hypostases as the* Arians *did, of different Substances and separate Subsistences, as Mankind and other Creatures are? Or as other Hereticks, three Principles or three Gods?* All which they sted-

Basil. Hom. 27.

Ruffin. *p.* 211. Hist. *l.* 1.

Athan. Ep. ad Antioch. *p.* 577.

ſtedfaſtly denied. Then they were asked, *Why they uſed theſe terms?* They anſwered, *Becauſe they believed the Holy Trinity to be more than mere Names; and that the Father, and Son, and Holy Ghoſt had a real Subſiſtence belonging to them; but ſtill they held but one Godhead, one Principle, and the Son of the ſame Subſtance with the Father; and the Holy Ghoſt not to be a Creature, but to bear the ſame proper and inſeparable Eſſence with the Father and the Son.* Then the other ſide were asked, *When they aſſerted but one Hypoſtaſis, whether they held with* Sabellius *or not; and that the Son and Holy Ghoſt had no Eſſence or Subſiſtence?* Which they utterly denied; but ſaid, that their meaning was, *That Hypoſtaſis was the ſame with Subſtance; and by one Hypoſtaſis they intended no more, but that the Father, Son, and Holy Ghoſt were of the ſame individual Subſtance;* (for the Words are διὰ τὴν ταυτότητα τῆς φύσεως) and ſo they held *but one Godhead and one divine Nature*, and upon theſe terms they agreed. From whence it follows, that the Notion of *three Hypoſtaſes*, as it was received in the Chriſtian Church, was to be underſtood ſo as to be conſiſtent with the *Individual Unity* of the *divine Eſſence.* And the great rule of the Chriſtian Church was to keep in the middle, between the Doctrines of *Sabellius* and *Arius*; and ſo by degrees the Notion of *three Hypoſtaſes* and *one Eſſence* was look'd on in the Eaſtern Church, as the moſt proper Diſcrimination of the Orthodox from the *Sabellians* and *Arians.*

But the Latin Church was not ſo eaſily brought to the uſe of three *Hypoſtaſes*, becauſe they knew no other Senſe of it, but for *Subſtance* or *Eſſence*; and they all denied that there was any more than *one divine Subſtance*, and therefore they rather embraced the Word *Perſona*; and did agree in the name of *Perſons* as moſt proper to ſignifie their meaning, which was, *That there were three which had diſtinct ſubſiſtences, and incommunicable properties, and one and the ſame divine Eſſence.* And ſince the Notion of it is ſo well underſtood to ſignifie ſuch a peculiar Senſe, I ſee no reaſon why any ſhould ſcruple the uſe of it. As to its *not being uſed in Scripture*, *Socinus* himſelf deſpiſes it, and allows it to be no good reaſon. For when *Franciſcus Davides* objected, *That the terms of Eſſence and Perſon were not in Scripture*; *Socinus* tells him, *That they expoſed their cauſe who went upon ſuch grounds; and that if the ſenſe of them were in Scripture, it was no matter whether the terms were or not.*

Socin. Vol. 1. p. 778.

Having thus cleare d the Notion of three *Perſons*, I return to the *Senſe* of *Scripture* about theſe matters; and our *Unitarians* tell us, that *we ought to interpret Scripture otherwiſe.* How doth that appear? They give us very little encouragement to follow their *Interpretations*, which are ſo new, ſo forced, ſo different from the general Senſe of the Chriſtian World, and which, I may ſay, reflect ſo highly on the Honour of Chriſt and his Apoſtles, *i. e.* by making uſe of ſuch Expreſſions, which if they do not mean what to honeſt and ſincere Minds they appear to do, muſt be intended (according to them) to ſet up *Chriſt* a mere *Man* to be *a God.* And if ſuch a thought as this could enter into the Mind of a thinking Man, it would tempt him to ſuſpect much more as to thoſe Writings, than there is the leaſt colour or reaſon for. Therefore theſe bold inconſiderate Writers ought to reflect on the conſequence of ſuch ſort of Arguments, and if they have any regard to Chriſtianity, not to trifle with *Scripture* as they do.

Notes on Athanaſ. his Creed, p 13

But ſay they, *The queſtion only is, Whether we ought to interpret Scripture when it ſpeaks of God, according to Reaſon or not, that is, like Fools or like wiſe Men? Like wiſe Men* no doubt, if they can hit upon it; but they go about it as untowardly as ever Men did. For is this *to interpret Scripture like wiſe Men*, to take up ſome *novel Interpretations* againſt the *general ſenſe* of the Chriſtian Church from the Apoſtles times? Is this to act *like wiſe Men*, to raiſe Objections againſt the Authority of the Books they cannot

not answer, and to cry out of false *Copies* and *Translations* without reason, and to render all places suspicious which make against them? Is this *to interpret Scripture like wise Men*, to make our Saviour affect to be thought a *God*, when he knew himself to be a *mere Man*, and by their own Confession had not his *divine Authority* and *Power* conferr'd upon him? And to make his Apostles set up the *Worship* of a *Creature*, when their design was to take away the Worship of all such, *who by Nature are not Gods*? Is this *like wise Men*, to tell the World, *that these were only such Gods whom they had set up, and God had not appointed*; as though there were no *real Idolatry*, but in *giving divine Worship* without God's Command.

Answer to my Sermon, p. 14.

CHAP. VIII.

The Socinian *Sense of Scripture examin'd.*

BUT they must not think to escape so easily for such a groundless and presumptuous saying; that *they interpret the Scripture not like Fools, but like wise Men*, because the *true sense of Scripture* is really the main point between us, and therefore I shall more carefully examine the *wise sense* they give of the chief places which relate to the matter in hand.

1. Is this *to interpret Scripture like wise Men*, to make the Author to the *Hebrews* in one Chapter, and that but a short one, to bring no less than four places out of the *Old Testament*, and according to their Sense, not one of them proves that which he aimed at, *viz.* that *Christ was superiour to Angels*, as will appear by the Sense they give of them. *Heb.* 1. 5. *For unto which of the Angels said he at any time, Thou art my Son, this day have I begot en thee? These Words*, say they, *in their original and primary sense are spoken of* David, *but in their mystical sense are a Prophecy concerning Christ.* Was this mystical sense primarily intended or not? If not, they are only an accommodation and no proof. But they say, even in that mystical sense, *they were intended not of the Lord Christ's suppos'd Eternal Generation from the Essence of the Father, but of his Resurrection from the dead.*

Hist. of the Unit. p. 15. Edit. 2.

But if that be not taken as an *Evidence* of his being *the Eternal Son of God*, how doth this prove him *above Angels*?

Heb. 1. 6. *And again, when he bringeth his first-begotten into the World, he saith, And let all the Angels of God worship him.* This one would think home to the business; but our *wise Interpreters* tell us plainly, *That the Words were used by the Psalmist on another occasion*, i.e. they are nothing to the purpose. But being told of this, instead of mending the matter, they have made it far worse; for upon *second Thoughts* (but not *wiser*) they say, *The words are not taken out of the Psalm, but out of* Deut. 32. 43. where the words are not spoken *of God, but of God's People*; and *if this be said of God's People*, they hope it may be said of Christ too, without *concluding from thence, that Christ is the supreme God.* But we must *conclude* from hence, that these are far from being *wise Interpreters*; for what consequence is this, *the Angels worship God's People*, therefore Christ is superiour to Angels?

Hist. of the Unit. p. 17.

Defence of the History of the Unit. p. 35.

Heb. 1. 8. *Thy Throne O God is for ever and ever*, i. e. say they, *God is thy Throne for ever.* And so they relate not *to Christ*, but *to God.* And to what purpose then are they brought?

Hist. of the Unit. p. 16.

Heb. 1. 10. *Thou Lord in the beginning haſt laid the foundation of the*
Ibid. p. 17. *Earth, and the Heavens are the Work of thy Hands. Theſe words,* ſay they, *are to be underſtood not of Chriſt, but of God.* Which is to charge the Apoſtle with arguing out of the old Teſtament very impertinently. Is this *interpreting the Scriptures like wiſe Men?* Is it not rather expoſing and ridiculing them?

2. *Is this to interpret Scripture like wiſe Men,* to give ſuch a forced Senſe of *the beginning of St.* John's *Goſpel,* as was never thought of from the writing of it, till ſome in the laſt Age thought it neceſſary to avoid the proof of
Anſwer to Dr. Wallis his Letter, p. 9. *Anſwer to my Sermon,* p. 9. *Reflections on Dr. Bull,* p. 39. 46. Chriſt's Divinity from it. For the Λόγος was never taken, in the Senſe they put upon it, for him that *was to preach the Word* in St. *John*'s time; but the ſignification of it was then well underſtood from the *Alexandrian School* (as appears by *Philo*) whence it was brought by *Cerinthus* into thoſe parts of *Aſia*, where St. *John* lived when he wrote his Goſpel: and one of themſelves confeſſes, that *Cerinthus* did by the Λόγος mean *ſomething divine, which reſted upon, and inhabited the Perſon of Jeſus, and was that power by which God created original Matter and made the World, but as the Chriſt or the Word deſcended on Jeſus at his Baptiſm, ſo it left him at his Crucifixion.* That which I obſerve from hence is, that there was a known and current Senſe of the Λόγος at the time of St. *John*'s writing his Goſpel, very different from that *of a Preacher of the Word of God*; and therefore I cannot but think it the wiſeſt way of *interpreting St.* John, to underſtand him in a Senſe then *commonly known*; and ſo he affirms the Λόγος to have been *in the beginning*, i. e. before the Creation (for he ſaith afterwards, *All things were made by him*) and that *he was with God, and was God*; and this Word did not inhabit *Jeſus*, as *Cerinthus* held, but *was made Fleſh and dwelt among us.* And ſo St. *John* clearly aſſerted the *Divinity* and *Incarnation of the Son of God.* And in all the Diſputes afterwards with *Paulus Samoſatenus* and *Photinus*, it appears, that they underſtood the Λόγος not for any *mere Man*, but for ſome *Divine Power*, which reſted upon the Perſon of *Jeſus*. So that this was a very late, and I think no very *wiſe Interpretation* of St. *John.* And e-
Sand. p. 93. ven *Sandius* confeſſes, *That* Socinus *his Senſe was wholly new and unheard of in the ancient Church; not only among the Fathers, but the Hereticks,* as I have before obſerved. For they agreed (except their good Friends the *Alogi* who went the ſureſt way to work) that by the Word *no mere Man was underſtood. Let them produce one if they can,* ſaith *Sandius* (even the learned and judicious *Sandius.*) Did they all *interpret the Scriptures like Fools, and not like wiſe Men?* But if the *Chriſtian Interpreters were ſuch Fools*; what think they of the *Deiſts*, whom they ſeem to have a better opinion of, as to their *Wiſdom?* What, if Men without Biaſs of Intereſt, or Education think ours the more proper and agreeable Senſe?

The late Archbiſhop to this purpoſe had mention'd *Amelius the Platoniſt, as an indifferent Judge.* But what ſay our *Wiſe Interpreters* to this? Truly
Anſwer to Arch-biſh. p. 51. they ſay, *That the Credit of the* Trinitarian *Cauſe runs very low, when an uncertain Tale of an obſcure* Platoniſt *of no reputation for Learning or Wit, is made to be a good part of the Proof which is alledged for theſe Doctrines.* If a Man happen to ſtand in their way, he muſt be content with ſuch a Character as they will be pleaſed to give him. If he had deſpiſed St. *John*'s *Goſpel,* and
Euſeb. Præp. Evang. l. 11. c. 18. Cyril. c. Julian. l. 10. p. 427. 335. Julian ep. 51. manner of expreſſion, he had been as *Wiſe* as the *Alogi*; but notwithſtanding the extraordinary Character given of Friend *Amelius* (as they call him) by *Euſebius*, by *Porphyrius*, by *Proclus*, and by *Damaſcius*, this very Saying of his ſinks his Reputation for ever with them. What would *Julian* have given for ſuch *Wiſe Interpretation of* St. *John?* When he cannot deny, but that he did ſet up the *Divinity of Chriſt* by theſe Expreſſions; and upbraids the *Chriſtians* of *Alexandria, for giving Worſhip to Jeſus as the Word and God?*

With

With what satisfaction would he have received such a Sense of his Words; when he Complemented *Photinus* for denying the *Divinity of Christ*; while other *Christians* asserted it? Facund. *l.4. p.163.*

But they do not by any means deal fairly with the late Archbishop as to the Story of *Amelius*; for they bring it in, as if he had laid the weight of the Cause upon it; whereas he only mentions it, as a Confirmation, of a probable Conjecture, *That* Plato *had the Notion of the Word of God from the* Jews; *because that was a Title which the* Jews *did commonly give to the Messias, as he proves from* Philo, *and the* Chaldee *Paraphrast.* To which they give no manner of Answer. But they affirm in answer to my Sermon, *p.* 9. That *Socinus* his Sense was, *That Christ was called the Word, because he was the Bringer or Messenger of God's Word.* But were not the *Jews* to understand it in the Sense it was known among them? And if the *Chaldee* Paraphrast had used it in that Sense, he would never have applied it to a Divine Subsistence, as upon Examination it will appear that he doth. Of which *Rittangel* gives a very good Account, who had been a *Jew* and was very well skilled in their ancient Learning. He tells us, That he had a Discourse with a learned *Unitarian* upon this Subject, who was particularly acquainted with the Eastern Languages; and he endeavoured to prove, *That there was nothing in the* Chaldee *Paraphrasts* use of ממרא, *because it was promiscuously used by him for* דבר *where it was applied to God.* This *Rittangel* denied; and offer'd to prove, that the Chaldee *Paraphrast* did never use that Word in a common manner, but as it was appropriated to a Divine Subsistence. He produces several places where ממרא יי is put, and nothing answering to *Word* in the *Hebrew*, as *Gen.* 20. 21. The *Chaldee* hath it, *The Word of Jehovah shall be my God*, Exod. 2. 25. And *Jehovah* said, *He would redeem them by his Word*, Exod. 6. 8. *Your murmurings are not against us, but against the Word of Jehovah*, Exod. 19. 17. *And* Moses *brought the People out to meet the Word of Jehovah*, Levit. 26. 46. *These are the Statutes and Judgments, and Laws, which Jehovah gave between his Word and the Children of Israel by the hand of Moses*, Numb. 11. 20. *Ye have despised the Word of Jehovah whose Divinity dwelt among you*, Num. 23. 21. *The Word of Jehovah is with him, and the Divinity of their King is among them*, Deut. 1. 30. *The Word of Jehovah shall fight for you*, Deut. 2. 7. *These forty years the Word of Jehovah hath been with thee*, Deut. 1. 32. *Ye did not believe in the Word of Jehovah your God*, Deut. 4. 24. *Jehovah thy God, his Word is a consuming fire*, Deut. 5. 5. *I stood between the Word of Jehovah and you, to shew you the Word of the Lord*, Deut. 32. 6, 8. *Jehovah thy God, his Word shall go with thee*, with many other places, which he brings out of *Moses* his Writings; and there are multitudes to the same purpose in the other Books of Scripture; which shews, saith he, that this Term *the Word of God*, was so appropriated for many Ages; as appears by all the *Chaldee Paraphrasts*, and the ancient Doctors of the *Jews*. And he shews by several places, that the *Chaldee Paraphrast* did not once render דבר by ממרא when there was occasion for it; no, not when the Word of God is spoken of with respect to a Prophet; as he proves by many Testimonies; which are particularly enumerated by him. The result of the Conference was, that the *Unitarian* had so much Ingenuity to confess, *That unless those Words had another Sense, their Cause was lost; and our Faith had a sure Foundation.* Rittangel *in* Jezirah *p.* 95.

But it may be objected that *Morinus* hath since taken a great deal of pains to prove the *Chaldee Paraphrasts, not to have been of that Antiquity, which they have been supposed by the Jews to be of.* Morinus Exerc. Biblic. *l.* 3. Exerc. 8. *c.* 6.

In answer to this, we may say in general, that *Morinus* his great Proofs are against another *Chaldee Paraphrast* of very small Reputation, *viz.* of *Jonathan* upon the Law; and not that of *Onkelos*, which *Rittangel* relied upon

in this Matter. And none can deny this to have been very ancient; but the *Jews* have ſo little knowledge of their own Hiſtory, but what is in Scripture, that very little certainty can be had from them. But we muſt compare the Circumſtances of things, if we would come to any reſolution in this Matter. Now it is certain, that *Philo* the *Alexandrian Jew*, who lived ſo very near our Saviours time, had the ſame Notion of *the Word of God*, which is in the *Chaldee Paraphraſt*: whoſe Teſtimonies have been produced by ſo many already, that I need not to repeat them.

Euſebius Dem. Evang. *l.* 4. *c.* 1. And *Euſebius* ſaith, *The* Jews *and* Chriſtians *had the ſame Opinion as to Chriſt, till the former fell off from it in oppoſition to the* Chriſtians; and he particularly inſtances in his *Divinity*. But if *Morinus* his Opinion be embraced, as to the lateneſs of theſe *Chaldee Paraphraſes*, this inconvenience will neceſſarily follow, *viz.* That the *Jews* when they had changed ſo much their Opinions, ſhould inſert thoſe Paſſages themſelves which aſſert the *Divinity of the Word*. And it can hardly enter into any Man's Head that conſiders the Humour of the Jewiſh Nation, to think, that after they knew what St. *John* had written concerning *the Word*; and what uſe the *Chriſtians* made of it to prove *the Divinity of Chriſt*, they ſhould purpoſely inſert ſuch paſſages in that *Paraphraſe* of the Law which was in ſuch eſteem among them, that *Elias Levita* ſaith, *They were under Obligation to read two* Paraſcha's *out of it every Week, together with the Hebrew Text*. Now, who can imagine that the *Jews* would do this upon any other account, than that it was deliver'd down to them, by ſo ancient a Tradition, that they durſt not diſcontinue it. And it is obſerved in the place of Scripture which our Saviour read in the Synagogue, that he follow'd neither the Hebrew nor the Greek, but in probability the *Chaldee Paraphraſe*; and the Words he uſed upon the Croſs, were in the *Chaldee* Dialect.

Bichin. Happe-raſch. *p.* 21.

The latter *Jews* have argued againſt the *Trinity*, and the *Divinity* of *Chriſt* like any *Unitarians*, as appears by the Collection out of *Joſeph Albo*, *David Kimchi*, &c. publiſhed by *Genebrard*, with his Anſwers to them. And is it any ways likely, that thoſe who were ſo much ſet againſt theſe Doctrines, ſhould themſelves put in ſuch Expreſſions, which juſtifie what the *Evangeliſt* ſaith about *the Word*, *being in the Beginning*, *being with God*, *and being God?*

Paris, A. D. 1566.

The Subſtance of what I have ſaid, as to St. *John*'s Notion of the *Word*, is this; That there is no colour for the Senſe which *Socinus* hath put upon it; either from the uſe of it among other Authors, or any Interpretation among the Jews. But that there was in his time a current ſenſe of it, which from the Jews of *Alexandria*, was diſperſed by *Cerinthus* in thoſe parts where he lived. That for ſuch a Notion there was a very ancient Tradition among the Jews, which appears in the moſt ancient Paraphraſe of the Law, which is read in their Synagogues. And therefore according to all reaſonable ways of interpreting Scripture, the *Word* cannot be underſtood in St. *John*, for one whoſe Office it was *to preach the Word*, but for that *Word* which *was with God* before any thing was made, and *by whom all things were made*.

3. Is this *to interpret Scripture like wiſe Men*, to give a new Senſe of ſeveral Places of Scripture from *a matter of Fact* of which there is no proof, the better to avoid the proof of the Divinity of the Son of God?

Joh. 1. 1. 3. 13. 6. 38, 62. 8. 42.

Anſwer to the Archbiſhop's Serm p. 56 *Anſwer to my Sermon*, p. 10.

This relates to the ſame beginning of St. *John's Goſpel*, *the Word was with God*; and ſeveral other places, making mention of his deſcent from Heaven. The ſenſe which theſe wiſe Interpreters put upon them is, that Chriſt *was rapt up into Heaven, before he entred upon his Preaching*. But where is this ſaid? What Proof, what Evidence, what credible Witneſſes of it, as there were

were of his *Transfiguration*, *Resurrection* and *Ascension?* Nothing like any Proof is offer'd for it; but it is a *wise way* they think of avoiding a pressing difficulty.

But they have a farther reach in it, *viz.* to shew how Christ, being a *mere Man*, should be qualified for so great an Undertaking as the founding the Christian Church; and therefore they say, *That before our Lord entred upon his Office of the Messias, he was taken up to Heaven to be instructed in the Mind and Will of God* (*as* Moses *was into the Mount*, Exod. 24. 1, 2, 12.) *and from thence descended to execute his Office, and declare the said Will of God.* In another place, *That when it is said, the Word was with God*; that is, *the Lord Christ was taken up into Heaven to be instructed in all points relating to his Ambassage or Ministry.* In a third, they say, *That our Saviour before he entred upon his Ministry, ascended into Heaven, as* Moses *did into the Mount, to be instructed in all things belonging to the Gospel Doctrine, and Polity which he was to establish and administer.* Now considering what sort of a Person they make Christ to have been, *viz. a meer Man*; this was not ill thought of by them; to suppose him *taken up into Heaven and there instructed in what he was to teach and do*, as Moses *was into the Mount* before he gave the Law. But here lies a mighty difference; when *Moses* was called up *into the Mount*, the People had publick notice given of it; and *he took* Aaron *and his Sons, and Seventy Elders of* Israel with him; *who saw the Glory of God*, v. 10. *And all* Israel *beheld the Glory of the Lord as a devouring Fire on the top of the Mount*, v. 17. and after the 40 days were over, it is said, *That* Moses *came down from the Mount, and the Children of* Israel *saw him with his Face shining*, Exod. 34. 40. Now if Christ were *taken up into Heaven*, as Moses *was into the Mount*, why was it not made publick at that time? why no Witnesses? why no Appearance of the Glory to satisfie Mankind of the truth of it? And yet we find, that when he was *transfigured on the holy Mount, he took* Peter, *and* James, *and* John *with him*; which Circumstance is carefully mention'd by the *Evangelists*. And *Peter*, who was one of the *Witnesses* then present, lays great weight upon this being done in *the presence of Witnesses. For we have not follow'd cunningly devised Fables, when we made known unto you the Power and coming of our Lord Jesus Christ, but were Eye-witnesses of his Majesty. For he received from God the Father, Honour and Glory, when there came such a Voice to him from the excellent Glory* ——. *And this Voice which came from Heaven we heard, when we were with him in the holy Mount.* Now let any one compare this with the account which they give of *Christ's Ascension into Heaven.* The *Transfiguration* was intended only for a particular Testimony of God's Favour, before his Suffering; but even in that he took care there should be very credible Witnesses of it. And is it then possible to believe, there should be such an *Ascension of Christ into Heaven*, for no less a purpose, than *to be instructed in his Ambassage, and to understand the Mind and Will of God, as to his Office*; and yet not one of the Evangelists give any account of the Circumstances of it? They are very particular, as to his Birth, Fasting, Baptism, Preaching, Miracles, Sufferings, Resurrection and Ascension; but not one Word among them all as to the Circumstances of his *being taken up into Heaven* for so great a purpose? If it were necessary to be believed, why is it not more plainly revealed? Why not the time and place mention'd in Scripture, as well as of his *Fasting* and *Temptation?* Who can imagine it consistent with that *Sincerity* and *Faithfulness* of the Writers of the *New Testament*, to conceal so material a Part of Christ's Instructions and Qualifications; and to wrap it up in such doubtful Expressions, that none ever found out this meaning till the days of *Socinus? Enjedinus* mentions it only as a *possible Sense*; but he confesses, *That the New Testament saith nothing at all of it*; *but*, saith he, *neither*

Hist. of the Unit. p. 29.

Answer to my Sermon, p. 9.

Answ. to the Archbishop, p. 56.

Matt. 17. 1. Mar. 9. 2. Luk. 9. 28.

2 Pet. 1. 16.

17.

18.

Enjed. in Joh. 6. 62.

ther doth it mention other things before he entred upon his Office. But this is a very weak Evaſion, for this was of greateſt importance with reſpect to his Office, more than his *Baptiſm*, *Faſting* and *Temptation*; yet theſe are very fully ſet down.

And after all, our *Unitarians* themſelves ſeem to miſtruſt their own *Interpretations*; for in their *anſwer to my Sermon*, they ſay, *it is not the Doctrine of all the* Unitarians, *and refer me to another account given of theſe Texts in the Hiſtory of the* Unitarians. There indeed I find *Grotius* his interpretation (as they call it) prefer'd before that of *Socinus*. But they ſay, *Grotius was Socinian all over, and that his Annotations are a compleat Syſtem of Socinianiſm; and his Notes on the firſt of St.* John *are written artificially, but the Senſe at the bottom is theirs.* In ſhort, *That the Word, according to* Grotius, *is not an eternal Son of God, but the Power and Wiſdom of God; which abiding without meaſure on the Lord Chriſt, is therefore ſpoken of as a Perſon and as one with Chriſt, and he with that. And this Notion of the Word leads a Man through all the difficulties of this Chapter, with far more eaſe than any hitherto offer'd.* But theſe *wiſe Interpreters* have as much miſinterpreted *Grotius*, as they have done the *Scriptures*, as I ſhall make it appear.

Answer to my Sermon, p. 10. *Hiſtory of the* Unit. p. 26. p. 11. p. 28.

(1.) *Grotius* on *John* 6. 62. interprets *Chriſt's Aſcenſion into Heaven*, of his *corporal Aſcent* thither after his *Reſurrection*, where the Λόγος or *Word* was before, of whom it is ſaid, *That the Word was with God.* But how comes Chriſt to aſſume that to *himſelf* which belong'd *to the Word*? He anſwers, *Why not, ſince we call Body and Soul by the Name of the Man?* But if no more were meant by the Word, but a divine Attribute of *Wiſdom* and *Power*, what colour could there be for the *Son of Man* taking that to himſelf, which belonged to an Attribute of God? What ſtrange way of arguing would this have been? *What, and if ye ſhall ſee the Son of Man aſcending where he was before?* For according to this Senſe, how comes a divine Attribute to be called the *Son of Man*? How could the *Son of Man* be ſaid *to aſcend* thither, where a divine Attribute was before? The Words ὅπου ἦν τὸ πρότερον. muſt relate to *him* ſpoken of before; and how could the Power and Wiſdom of God be ever ſaid to be the *Son of Man?* But if we ſuppoſe a perſonal Union of the Word with the humane Nature in Chriſt, then we have a very reaſonable Senſe of the Words; for then no more is imply'd, but that Chriſt, as conſiſting of both Natures, ſhould aſcend thither, where the *Word was before*; when it is ſaid, that *the Word was with God*; and ſo *Grotius* underſtands it.

(2.) *Grotius* doth not make *the Word* in *the beginning of St.* John's *Goſpel to be a mere Attribute of Wiſdom and Power*, but *the Eternal Son of God.* This I ſhall prove from his own Words.

1. He aſſerts in his *Preface* to St. *John's Goſpel*, that the chief cauſe of his writing was univerſally agreed to have been to prevent the ſpreading of that Venom which had been then diſperſed in the Church; which he underſtands of the *Hereſies* about Chriſt and the Word. Now among theſe, the Hereſie of *Cerinthus* was this very Opinion which they faſten upon *Grotius*; viz. that *the Word was the Divine Wiſdom and Power inhabiting in the Perſon of Jeſus*, as I have ſhew'd before from themſelves. And beſides, *Grotius* ſaith, *That the other Evangeliſts had only intimated the divine Nature of Chriſt from his miraculous Conception, Miracles, knowing Mens Hearts, perpetual Preſence, promiſe of the Spirit, remiſſion of Sins*, &c. *But St.* John, *as the time required, attributed the Name and Power of God to him from the beginning.* So that by the *Name and Power of God*, he means the ſame which he called *the divine Nature* before.

2. He ſaith, that when it is ſaid, *The Word was with God*; it ought to be underſtood as *Ignatius* explains it, *with the Father*; what can this mean, unleſs

leſs he underſtood the Word to be *the eternal Son of God?* And he quotes *Tertullian*, ſaying, that *he is the Son of God, and God* ex unitate Subſtantiæ; *and that there was a Prolation of the Word without Separation.* Now what *Prolation* can there be of a meer Attribute? How can that be ſaid to be *the Son of God begotten of the Father, without Diviſion, before all Worlds*, as he quotes it from *Juſtin Martyr?* And that *he is the Word, and God of God*, from *Theophilus Antiochenus?* And in the next Verſe, when it is ſaid, *The ſame was in the beginning with God*; it is repeated on purpoſe, ſaith he, That we might conſider, that God is ſo to be underſtood, that a Diſtinction is to be made between *God, with whom he was, and the Word who was with God*; *ſo that the Word doth not comprehend all that is God.* But our *wiſe Interpreters* put a ridiculous Senſe upon it; as though all that *Grotius* meant was, *That God's Attributes are the ſame with himſelf* (which although true in it ſelf, is very impertinent to *Grotius* his purpoſe) and that the Reaſon why he ſaith, *That the Word is not all that God is*, was, *becauſe there were other Attributes of God beſides.* But where doth *Grotius* ſay any thing like this? Is this *wiſe Interpreting?* or honeſt and fair dealing? For *Grotius* immediately takes notice from thence of the Difference of *Hypoſtaſes*; which he ſaith was taken from the *Platoniſts*, but with a *change of the Senſe.*

3. When it is ſaid, *v.* 3. *That all things were made by him*; *Grotius* underſtands it of *the old Creation, and of the Son of God.* For, he quotes a paſſage of *Barnabas*, where he ſaith, *The Son is the work of his hands*; and ſeveral paſſages of the *Fathers* to prove, *That the World and all things in it were created by him*; and he adds, *That nothing but God himſelf is excepted.* What ſay our *wiſe Interpreters* to all this? Nothing at all to the purpoſe; but they cite *the Engliſh Geneva Tranſlation* (when they pretend to give *Grotius* his Senſe) and add, *That the Word now begins to be ſpoken of as a Perſon by the ſame Figure of Speech, that* Solomon *ſaith, Wiſdom hath builded her Houſe*, &c. Doth *Grotius* ſay any thing like this? And yet they ſay, *Let us hear* Grotius *interpreting the ſublime Proeme of St.* John's *Goſpel.* But they leave out what he ſaith, and put in what he doth not ſay; is not this *interpreting like wiſe Men?*

4. *The Word was made fleſh*, v. 14. i. e. ſay the *Unitarians* as from *Grotius*; *It did abide on, and inhabit a humane Perſon, the Perſon of Jeſus Chriſt*; *and ſo was in appearance made Fleſh or Man.* But what ſaith *Grotius* himſelf? *The Word that he might bring us to God, ſhew'd himſelf in the Weakneſs of humane Nature*; *and he quotes the Words of St.* Paul *for it*, 1 Tim. 3. 16. *God was manifeſt in the fleſh:* and then produces ſeveral Paſſages of the Fathers to the ſame purpoſe. Is not this a rare *Specimen* of *wiſe Interpreting*, and *fair dealing* with ſo conſiderable a Perſon, and ſo well known, as *Grotius?* Who, after all, in a Letter to his intimate Friend *Ger. J. Voſſius*, declares, that he owned the *Doctrine of the Trinity*, both in his *Poems* and his *Catechiſm*, after his reviewing them; which Epiſtle is printed before the laſt Edition of his Book about *Chriſt's Satisfaction*; as an account to the World of *his Faith as to the Trinity.* And in the laſt Edition of his *Poems*, but little before his Death, he gives a very different Account of *the Son of God* from what theſe *Unitarians* faſten upon him. And now let the World judge, how *wiſely* they have *interpreted* both St. *John*, and his Commentator *Grotius?*

H. Grot. Opuſc. p. 294. T. 3.

Chriſte caput rerum vitæ melioris Origo,
Immenſi menſura Patris, quem mente Suprema
Miratus ſeſe Genitor, de Lumine Lumen
Fundit, & æquali ſe ſpectat imagine totum.
H. Grot. Syl. *p.* 8. *Ed.* 1643.

IV. Is this to *interpret Scripture like wiſe Men*, to make our Saviour's meaning to be expreſly contrary to his Words? For when he ſaid, *Before Abraham was, I am*; they make the Joh. 8. 58. Senſe to be that really he was not, but only *in God's Decree*, as any other Man may be ſaid to be. This place the late *Archbiſhop* (who was very far from

from being a *Socinian*, however his Memory hath been very unworthily reproached in that as well as other Reſpects ſince his Death) urged againſt the *Socinians*, ſaying, *That the obvious ſenſe of the Words is, that he had a real Exiſtence before* Abraham *was actually in Being; and that their Interpretation about the Decree is ſo very flat, that he can hardly abſtain from ſaying it is ridiculous.* And the wiſe Anſwer they give is, *That the Words cannot be true in any other Senſe, being ſpoken of one who was a Son, and Deſcendant of Abraham.* Which is as ridiculous as the Interpretation; for it is to take it for granted, he was no more than a *Son of* Abraham.

Anſwer to the Archbiſhop, p. 58.

V. Is this *to interpret Scripture like wiſe Men*, to ſay, that when our Saviour ſaid in his Conference with the *Jews*, *I am the Son of God*, his chief meaning was, *That he was the Son of God in ſuch a ſenſe, as all the faithful are called God's Children?* Is not this doing great Honour to our Saviour? Eſpecially when they ſay, *That he never ſaid of himſelf any higher than this, which is true of every good man, I am the Son of God.* And yet the *Jews* accuſed him of *Blaſphemy, for making himſelf the Son of God*; and the High Prieſt adjured him to tell, *Whether he were the Chriſt, the Son of God?*

Joh. 10. 36

Anſwer to Milb. *p.* 31.

Ib. *p.* 30.

Joh. 19. 7. Matt. 26. 63.

Did they mean no more, but *as any good Man is?*

But Mr. *Selden* ſaith, that by *the Son of God* the Jews *meant the Word of God (as he is called in the* Chaldee Paraphraſt) *which was all one as to profeſs himſelf God:* And our learned Dr *Pocock* ſaith, That *according to the ſenſe of the ancient Jews, the Son of God ſpoken of,* Pſal. 2. *was the eternal Son of God, of the ſame ſubſtance with the Father.*

Selden de Jure Nat. & Gent. *l.* 2. *c.* 1 2. Pocock Not. Miſcel. ad Maim. *p.* 307, &c.

And by this we may underſtand St. *Peter*'s Confeſſion, *Thou art the Chriſt, the Son of the living God*; and *Nathanael*'s, *Thou art the Son of God.* But it is plain, the *Jews* in the Conference thought *he made himſelf God*, by ſaying, *I and my Father are One. Not one God*, ſay our *wiſe Interpreters, but as Friends are ſaid to be One.* And what muſt they think of our Saviour the mean time, who knew the *Jews* underſtood him quite otherwiſe, and would not undeceive them?

Matt. 16. 16. S. Joh. 6. 69. 1. 49. 10. 30, 33. *Hiſt. of* Unitar. *p.* 29.

But they ſay, *The* Jews *put a malicious Conſtruction upon his Words.* How doth that appear? Do they think the *Jews* had not heard what paſſed before in ſome former Conferences, when they thought he had made himſelf *equal with God*; and that he ſaid, *That all Men ſhould honour the Son even as they honoured the Father?*

Anſwer to Milb. *p.* 29.

Joh. 5. 18. 23.

Theſe Sayings no doubt ſtuck with them; and therefore from them they had Reaſon to think that he meant ſomething extraordinary, by his ſaying, *I and my Father are One.* And if they were ſo *wiſe* in *interpreting Scripture*, as they pretend, they would have conſidered, that if theſe things did not imply his being really the Son of God, according to the old Jewiſh Notion, he would have ſeverely checked any ſuch Miſconſtructions of his meaning, and have plainly told them, he was but *the Son of Man.* But St. *Paul*'s Character of him doth plainly ſhew, that he was far from any thing like Vanity or Oſtentation, *Although he was in the form of God, and thought it no robbery to be equal with God*; which muſt imply that he was very far from aſſuming any thing to himſelf: which he muſt do in a very high meaſure, if he were not really the Son of God, ſo as to be *equal with God.* The meaning whereof, ſay our *wiſe Interpreters*, is, *he did not rob God of his Honour by arrogating to himſelf to be God, or equal with God.* But what then do they think of theſe Paſſages in his *Conferences* with the *Jews*? Was he not bound to undeceive them, when he knew they did ſo groſly miſunderſtand him, if he knew himſelf to be a *meer Man* at the ſame time? This can never go down with me, for they muſt either charge him with affecting Divine Honour, which is the higheſt degree of Pride and Vanity, or they muſt own him to be, as he was, *The Eternal Son of God.*

Phil. 2. 6, 7.

Hiſt of Unitar. *p.* 38.

VI.

VI. Is this *interpreting Scripture like wise Men*, to deny *Divine Worship* to be given to our Saviour, when the Scripture so plainly requires it? When I had urged them in my *Sermon* with the Argument from *Divine Worship* being given to Christ; they do utterly *deny it*, and say, *I may as well charge them with the blackest Crimes.* This I was not a little surprized at, knowing how warmly *Socinus* had disputed for it. But that I might not misunderstand them, I look'd into other places in their late Books, and from them I gather these things. *Answer to Serm.* p. 13

1. *They make no Question but some Worship is due to the Lord Christ, but the Question is concerning the kind or sort of Worship.* *Answer to Mlb.* p. 49.

2. *They distinguish three sorts of Worship.* 1. *Civil Worship from Men to one another.* 2. *Religious Worship given on the account of a Person's Holiness, or Relation to God; which is more or less according to their Sanctity or nearer Relation to God.* 3. *Divine Worship which belongs only to God; which consists in a Resignation of our Understandings, Wills, and Affections, and some peculiar Acts of Reverence and Love towards him. The two former may be given to Christ*, they say, *but not the last.*

From whence it follows, that they cannot, according to their own Principles, *resign their Understandings, Wills, and Affections* to Christ; because this is *proper Divine Worship.* Are not these very good Christians the mean while? How can they believe sincerely and heartily what he hath revealed, unless they *resign their Understandings* to him? How can they love and esteem him, and place their Happiness in him, if they cannot *resign their Wills and Affections* to him? I think never any who pretended to be Christians, durst venture to say such things before, and all for fear they should be thought to give *Divine Worship to Christ.*

But they confess, *That they are divided among themselves about the Invocation of Christ. Those who are for it*, say, *That he may be the object of Prayer without making him God, or a Person of God, and without ascribing to him the Properties of the Divine Nature, Omnipresence, Omniscience, or Omnipotence. Those who deny it*, they say, *do only refuse it, because they suppose he hath forbidden it, which makes it a meer Error. And in the New Testament*, they say, *the Charge is frequently renewed, that they are to worship God only.* And as great Writers as they have been these last seven years, they affirm that, *They have wrote no Book in that time, in which they have not been careful to profess to all the World, that a like Honour or Worship (much less the same) is not to be given to Christ as to God.* And now I hope we understand their Opinion right as to this matter. The Question is, Whether this be *interpreting those Scriptures*, which speak of the *Honour and Worship due to Christ, like wise Men?* And for that I shall consider, Ib. Col. 1. *Answer to Archbishop. Serm.* p. 25 P. 59.

1. That herein they are gone off from the opinion of *Socinus* and his Followers, as to the *sense of Scripture* in those places.

2. That they have done it in such a way, as will justifie the *Pagan* and *Popish Idolatry*; and therefore have not *interpreted Scripture like wise Men.*

1. That they are gone off from the opinion of *Socinus* and his Followers, who did allow *divine Worship* to Christ. This appears by the disputes he had with *Franciscus Davidis* and *Christianus Francken* about it. The former was about the *sense of Scripture. Socinus* produced all those places which mention *the Invocation of Christ*, and all those wherein St. *Paul* saith, *The Grace of our Lord Jesus Christ be with you all*; and, *The Lord Jesus Christ direct our way*, &c. and all those wherein a divine Power and Authority is given to Christ as head of the Church, for the support of the Faith and Hope of all those who believe in him in order to Salvation. And this *Socinus* truly judged to be proper divine Worship. *Georg. Blandrata* was unsatisfied, that *Socinus* did not say enough to prove the necessity of the In-

vocation of Christ, which he said he could do *from his Priesthood and his Power, from the Examples of the Apostles, and the very Nature of Adoration.* And *Blandrata* was a Man of great Authority among the *Unitarians*, and he thought *Socinus* ought to assert the *Necessity* of it, or else he would do *injury both to Christ and to his Cause.*

In the dispute with *Francken*, *Socinus* went upon this ground, that divine Authority was a sufficient ground for divine Worship, although there were not those essential Attributes of *Omniscience* and *Omnipotency.* But I observe that *Socinus* did not look on this as a matter of Liberty, as our *Unitarians* now seem to do; for in the Preface to the former Dispute, he calls the Error of denying the Invocation of Christ not, as they now do, a *simple Error*, or a *meer Mistake*; but a *most filthy and pernicious Error, an Error that leads to Judaism, and is in effect the denying of Christ:* And in the latter Dispute he saith, *That it tends to Epicurism and Atheism.* And *Smalcius* saith, *That they are no Christians who refuse giving divine Worship to Christ.*

De divin Christi, c. 24.

2. Is it *like wise Men*, to go upon such grounds as will justifie both *Pagan* and *Popish Idolatry?* This they have been charged with, and we shall see what wise Men they are, by the Defences they make for themselves.

1. As to *Pagan Idolatry*, they say,

Defence of the Hist. of the Unit. p. 54.

1. *They had no divine Command for such a Worship.* This was well thought of, when they confess, that some among themselves deny that there is any Command for invocating Christ, and therefore they must charge all those who do it with Idolatry. But this is no very wise Notion of Idolatry, which depends upon the Nature of the Worship, and not the meer positive Will of God.

2. *They set up the Creatures more than the Creator, as St.* Paul *saith.* St. *Paul* doth not think them such Fools, that they took the Creatures to be above the Creator; which was impossible, while they owned one to be the Creator, and the other the Creatures; but that they gave such Acts of Worship to them, as belong'd only to the Creator, and exceeded in the Worship of them those bounds which ought to be between them.

3. *They set up an infinite number of Gods who had been meer Men.* This is, as if the question were only, Whether one or a great many were to have such Worship given them? As if it were a Dispute about a Monarchy or a Common-wealth of Gods. But if it be lawful to give divine Worship to one Creature, it is to a hundred.

4. *Their Worship was terminated on them, and so they made true Gods of Men.* Suppose they asserted one supreme God, and made the rest subordinate to him, and appointed by him to be the immediate Directors of humane Affairs; I desire to know, Whether the Adoration of such were Idolatry or not? If it were, they cannot be excused who give Adoration to Christ, while they esteem him a mere Creature; if not, all the wiser Pagans must be excused.

2. As to the *Papists*, the difference they make is not like *wise Interpreters of Scripture*; for they say,

1. *They have no Text of Scripture which commands them to worship St.* Peter, *St.* Paul *and St.* Francis. So some among them say, there is none for the Invocation of Christ; and with them the Case is parallel. But if *Socinus* his Principle be true, that communicated Excellency is a sufficient Foundation for Worship, because it is relative to the Giver; then the Papists must be justified in all their relative Acts of Worship without any Text to command it.

2. *They exceed the Bounds of Honour and Respect due to glorified Saints.* But who is to set these Bounds but themselves in all Acts of relative Wor-

ship,

ſhip, becauſe they depend upon the intention of the Perſons? And they hold the very ſame things concerning communicated Knowledge and Power from God, which our *Unitarians* make uſe of to juſtifie their Notion of the Invocation of Chriſt.

VII. Is this *interpreting Scripture like wiſe Men*, to turn St. *Paul*'s words, *Of whom as concerning the Fleſh Chriſt came, who is over all, God bleſſed for ever*, into a Thankſgiving to God for the Exaltation of Chriſt, *i. e. God who is over all be bleſſed for ever.* But what reaſon do they give for ſuch a forced and unuſual Senſe, beſides the avoiding the difficulty of having the Name of *God* given here to Chriſt? A very ſubſtantial one. *If the words had been intended of Chriſt, it would have been in the Greek* ὃς ὢν and not ὁ ὤν, which they have taken up from *Eraſmus* and *Curcellæus*. But *Beza*, who underſtood Greek as well as either, (and *Curcellæus* owned him for his Maſter in that Tongue) ſaith, *He could not ſufficiently wonder at this Criticiſm of* Eraſmus, and *thinks it a violent and far fetch'd Interpretation, and not agreeable to the Greek Idiom*, and that ὁ ὤν is the ſame there with ὃς ἦν. And which may ſignify more to our *Unitarians*, one of the learneſt Men they have had among them utterly diſowns this Interpretation, and ſaith, *That the whole Verſe belongs to Chriſt.* But if that will not do, they have another fetch in the caſe, *viz. That it is very probable, that the Word God was not originally in the Text.* How doth this appear to be very probable? Of that we have this Account: *Grotius obſerves that the Greek Copies uſed by the Author of the Syriac, had not the word God; and that* Eraſmus *had noted, that the Copies of St.* Cyprian, *St.* Hilary, *and St.* Chryſoſtom, *had only bleſſed over all, or above all, without the word God: upon which he charges his Adverſary with no leſs than Impiety in concealing this*, and calls it, *cheating his Reader.* But how if all this prove a groſs miſtake in him; unleſs it be only, that *Grotius* and *Eraſmus* come in for their ſhares. It's true, that *Grotius* ſaith, *That the word God was left out in the Syriac Verſion.* But *F. Simon*, whoſe Authority they ſometimes magnifie as to *critical Learning*, ſaith plainly, *That* Grotius *was miſtaken, and that the word God is in all the old Copies, and in all the old Verſions.* And upon his bringing *Eraſmus* to prove that it was not in St. *Cyprian*, St. *Hilary*, and St. *Chryſoſtome*, he cries out, *Where is Sincerity?* Eraſmus *had met with one faulty Edition which had it not, but he ſaith, all the reſt of the MSS. have it.* And the Learned *Oxford Annotators*, both on St. *Cyprian*, and the *Greek Teſtament* compar'd with MSS. (which excellent Work we hope will ſhortly appear more publickly) declare, that they found it in all the MSS. they could meet with; and even *Eraſmus* himſelf ſaith, *That the Omiſſion in St.* Hilary *might be only by the negligence of the Tranſcribers*; and ſo it appears by the late *Edition* out of the beſt MSS. where the words are, *Ex quibus Chriſtus qui eſt ſuper omnia Deus.* And for St. *Chryſoſtom*, all that is ſaid is, *That it doth not appear that he read it, but he thinks it might be added afterwards.* But what a ſort of proof is this againſt the general conſent of MSS. for St. *Chryſoſtom* doth not ſay he thought ſo. *Eraſmus* very plainly ſaith, that it is clearer than the Sun, that *Chriſt is called God in other places of Scripture*; but *Grotius* can by no means be excuſed, nor thoſe that rely upon him as to this place.

Rom. 9. 5. *Hiſt. of the* Unit. *p.* 35. *Anſwer to* Milb. *p.* 35.

Ante-Nicen. *p.* 29, 78.

Anſwer to Milb. *p.* 34.

Anſ. to the Archbiſhop, p. 29.

Anſwer to Milb. *p.* 3.

Hiſtoire Critique du Nov. Teſt. To. III. *c.* 54. *p.* 813.

Annot. in Cypr. adverſ. Judæos.

Hilar. in Pſal. 122.

VIII. Is this *interpreting Scripture like wiſe Men*, to take advantage of all *Omiſſions* in *Copies*, when thoſe which are entire ought to be preferr'd? This I mention for the ſake of another noted place, 1 *Tim.* 3. 16. *God was manifeſt in the Fleſh.* Here our *wiſe Interpreters* triumph unreaſonably; *viz. For*, they ſay, *it appears by the* Syriac, Latin, Æthiopick, Armenian, Arabick, *and moſt ancient* Greek *Bibles, that the word God was not originally in this Text, but added to it.* But the *Arabick* in all the *Polyglotts* hath *God* in; the *Syriac* and *Æthiopick*, if we believe their Verſions, read it in the

Hiſt. of the Unit. *p.* 40.

Masculine Gender, and therefore in the King of *Spain*'s Bible, *Guido Fabricius Boderianus* puts in *Deus*. As to the *Armenian*, I have nothing to say, but what *F. Simon* tells us from *Uscan an Armenian Bishop*; that *there was great variety in their Copies*; *and that their first Translation was out of Syriac and not out of Greek*. And the main point is, as to the *old Greek Copies*; and we are assured, that there is but One, *viz.* the *Clermont Copy* which leaves out *God*, but that it is in the *Alexandrian*, the *Vatican* and all others; and *Curcellæus* mentions no more than the *Clermont Copy*.

Hist. Critique du Nov. To. II. *c.* 17.

It is therefore necessary to examine in this place, the Authority of this *Clermont Copy*, (as it is called) whose reading is set up against all other ancient Greek Copies. *Beza* affirms it with great Confidence, *That all the Greek Copies have God with one Consent.* But how comes he to take no notice of this Difference of the *Clermont Copy?* For that he had a sight of that part of it, which hath the Epistles of St. *Paul*, appears by his Notes in which he refers to it. For he mentions it three times in his Notes on *Rom.* 1. *v.* 13, 29, 32. and in one he calls it *a very ancient Manuscript written in large Letters.* What should make *Beza* pass it over here? It seems by *Morinus* that in the *Clermont Copy*, there was a Correction made by another hand; which is put into the *various Lections* of the *Polyglott* in *Morinus* his Words. But how doth it appear, that *Beza*'s *Clermont Copy* was the very same which *Morinus* had? *Morinus* saith, *he had it from the F. F. Puteani*; (and is the same I suppose with that in the King of *France*'s Library; of which they were then the Keepers) But *Morinus* intimates that it was *an old Copy, which fell into their hands*; and so might come into the French King's Library, when they gave their own *Manuscripts* to it. This seems to have been the same which *P. Pithæus* speaks of; for the Description exactly agrees with it; but *Pithæus*, who was a Person of great Integrity and Learning, affirms, *That this Volume of the Epistles in great Letters came out of the Monastery* of *Corbey*; and so it could not be the *Clermont Copy* which *Beza* had. And I shall make it appear from the very places mention'd by *Morinus*, that *Beza*'s Copy did differ from that which *Morinus* perused, as *Rom.* 4. 9. *Morinus* his Copy had μόνον; *Beza* takes notice of it only in the vulgar Latin; which he would never have done, if it had been in the *Clermont Copy*, Rom. 5. 6. For ἔτι *Morinus* reads in that Copy εἰς τί, and saith it is the true reading; but *Beza* condemns it, and never intimates that his Copy had it, *Rom.* 7. 25. *Morinus* saith, the reading of his Copy is the true, χάρις τῷ Θεῷ: *Beza* saith, *It is against all the Greek Copies but one*, and that hath χάρις δὲ τοῦ Θεοῦ; whether *Beza* were mistaken as to other Copies is not our business to enquire; but if the reading had been in his Copy as *Morinus* found it, he could never have said, that but one Copy had that different reading, *Rom.* 8. 13. *Morinus* his Copy had it τῆς σαρκὸς; *Beza* takes no notice of any difference. *Rom.* 10. 8. *Morinus* reads τὸ λέγει ἡ γραφή. *Beza* saith, *It is not in the Greek Copies*; and he had then the *Clermont* by him: but it is both in that of the French King's *Library*, and of St. *Germains*; which agree with each other, where *Beza*'s Copy differs; and *Beza* upon *Rom.* 7. 6. and 11. 6. observes, that his *Clermont Copy* differs from the rest; by which we see how careful he was to observe the various Readings in it; and so upon *Rom.* 15. 24, 33. 16. 27.

Verum repugnant perpetuo consensu omnes Græci Codices. *Bez.*

Morinus Exercit. Bibl. *l.* 1. *Ex.* 2. *c.* 4.

Simon Differt. Sur le MS. du Nov. Test. *p.* 14.

Rigalt. vit. P. Puteani, *p.* 62.

P. Pithæ. de Latino Interpret. *p.* 11.

Rom. 14. 6. *Beza* observes, *That the vulgar Latin leaves out part of the Verse, but that it is found in all the Greek Copies*; here *Morinus* charges *Beza* with Negligence, or Dis-ingenuity; because it was left out in the *Clermont Copy*; but how doth he prove he had the same Copy; He saith indeed, *That the ancient Copy, which he had, was lent to* Beza; but he tells not by whom, nor in whose Possession it was afterwards. But if *Beza* were a Man of any ordinary Care or Honesty, he would never have concealed those things, which

which *Morinus* found in it. 1 *Cor.* 6. 20. *Beza* ſaith, That thoſe Words ὃ ἐν τῷ πνεύματι ὑμῶν, *are in all the Greek Copies*; *Morinus* ſaith, *That they were wanting in that which he made uſe of.* It's true, they are wanting in the *Alexandrian*, and ſome others; but in none that *Beza* had the ſight of, if he may be believed. Theſe are ſufficient to ſhew, that there is no good Proof, that the Copy which *Beza* had was the ſame which *Morinus* borrow'd; and therefore his Authority is not to be ſlighted in this matter, when he affirms, that all the Greek Copies agreed in reading *God manifeſt in the fleſh*; and I cannot imagine *Beza* ſo intolerably careleſs as he muſt have been, if *Morinus* his Copy and *Beza*'s were the ſame. But whether it were in *Beza*'s Copy or not, *it's certain*, they ſay, *That it is not in that ancient Manuſcript, which is called the Clermont Copy*; which is affirmed by *Morinus*, and taken for granted by others, therefore we muſt enquire a little farther into the Authority of this ancient Copy. It appears by thoſe who have view'd and conſider'd them, that there are two very ancient Copies of St. *Paul*'s Epiſtles, ſo exactly agreeing, that one is ſuppoſed to be the Tranſcript of the other; one is in the King's Library, the other in the Monaſtery of St. *Germains*. Which *Mabillon* ſaith is a thouſand Years old. Theſe two Copies are in effect but one, agreeing ſo much where they differ from others; and having the old Latin Verſion oppoſite to the Greek. Monſieur *Arnauld* had ſo bad an Opinion of both parts of this *Clermont Copy*, (as it is called) that he charges it with manifeſt Forgery, and Impoſture; inſerting things into the Text without ground. *F. Simon* who defends them cannot deny ſeveral things to be inſerted, but he ſaith, it was through Careleſsneſs and not Deſign. But he confeſſes, *That thoſe who tranſcribed both thoſe ancient Copies of St.* Paul's *Epiſtles, did not underſtand Greek, and hardly Latin.* And now let us conſider, of what juſt Authority this different Reading of the *Clermont Copy* ought to be againſt the Conſent of all other ancient Copies. We find ſome good Rules laid down by the Roman Criticks, when they had a Deſign under *Urban* 8th. to compare the Greek Text of the New Teſtament, with their ancient Manuſcripts in the *Vatican*, and elſewhere; and to publiſh an exact Edition of it (which Collation was preſerved in the *Barberin Library*, and from thence publiſhed by *Pet. Poſſinus*,) and the main Rules as to the various Lections of Manuſcripts were theſe, 1. That the Text was not to be alter'd but by a Concurrence of all, or the greateſt part of the Manuſcripts. 2. That if one Manuſcript agreed with the vulgar Latin, the Text was not to be alter'd, but the Difference to be ſet down at the end of the Chapter. But it is obſervable in that *Collation of twenty two Manuſcripts*, there is no one Copy produced, wherein there is any Variety as to this place. I know they had not Twenty Two Manuſcripts of St. *Paul*'s Epiſtles, (they mention but Eight ancient Manuſcripts) but they found no difference in thoſe they had. And now I leave any reaſonable Man to judge, whether this *Clermont Copy* ought to be relied upon in this matter. But I have ſomething more to ſay about the *Greek Copies.*

Mabil. de Re Deplomat. *l.* 5. *p.* 346.

Diſſert. ſur les MS. du Nov. Teſt. *p.* 17.

1. That *God* is in the *Complutenſian Polyglott*, which was the firſt of the Kind, and carried on by the wonderful Care and Expence of that truly great Man *Cardinal Ximenes*, who ſpared for no Coſt or Pains in procuring *the beſt ancient Copies both Hebrew and Greek*; *and the fitteſt Men to judge of both Languages.* And in purſuit of this noble Deſign, he had the beſt *Vatican Manuſcripts* ſent to him (as is expreſſed in the Epiſtle before his *Greek Teſtament*) and what others he could get out of other places, among which he had the *Codex Britannicus* mention'd by *Eraſmus*. But after all theſe Copies made uſe of by the Editors there is no intimation of any variety as to this Place; although the *vulgar Latin* be there as it was.

Alvarez Gomez de rebus Geſtis Fr. Ximenii, *l.* 2. & 3.

But

But Eraſmus *mentions the great Conſent of the old Copies as to the vulgar Latin, and whence ſhould that come, but from a Variety in the old Greek Copies.* To that I anſwer,

2. That the *Greek Copies*, where they were beſt underſtood had no Variety in them; *i. e.* among the *Greeks* themſelves. As appears by *Gregory Nyſſen*, *St. Chryſoſtom*, *Theodoret*, *Oecumenius* and *Theophylact*. But doth not *Monſieur Amelote ſay*, *That the Marquiſs of* Velez *had Sixteen old Manuſcrip's, out of which he gathered various Readings, and he reads it* &. I cannot but obſerve, how he commends *Fabricius* and *Walton*, for *rendring the Syriac Verſion according to the vulgar Latin*, but that will appear to be falſe, to any one that looks into them; the former is mentioned already; and the latter tranſlates it, *Quod manifeſtatus ſit in carne.* But as to the *Marquiſs* of *Velez* his Copies, there is a Secret in it, which ought to be underſtood, and is diſcover'd by *Mariana*. He confeſſes, *He had ſo many Manuſcripts, eight of them out of the* Eſcurial, *but that he never ſet down whence he had his Readings.*

Amelote *in* Loc.

Marian, Edit vulg. c. 17.

And in another place, he ingenuouſly confeſſes, *That his Deſign was to juſtifie the vulgar Latin; and therefore collected Readings on purpoſe, and he ſuſpects ſome out of ſuch Greek Copies, as after the Council of* Florence *were made conformable to the Latin.* Which Readings were publiſhed by *la Cerda*, whoſe Authority *Amelote* follows. And now what reaſon can there be, that any ſuch *late Copies* ſhould be prefer'd before thoſe which were uſed by the *Greek Fathers.*

Præf. ad Schol.

3. That the *Latin Fathers* did not concern themſelves about changing their Verſion, becauſe they underſtood it ſtill to relate to the Perſon of Chriſt. So do St. *Jerom*, *Leo*, *Hilary*, *Fulgentius*, and others. As to the Objections about *Liberatus*, *Macedonius* and *Hincmarus*, I refer them to the Learned *Oxford Annotations.*

Hier. *in* Loc. Leo Epiſt. 34. ad Fl. Hilar. de Trinit. *l.* 11. Fulg. ad Thra. *c.* 4.

IX. Is it not *wiſely* done of theſe *Interpreters*, to charge our Church ſo much for retaining a Verſe in St. *John's firſt Epiſtle*, when they had ſo good Authority to do it? The Verſe is, *There are three that bear Record in Heaven, the Father, Son, and Holy Ghoſt, &c.* From hence they charge us with *corrupted Copies* and *falſe Tranſlations*; as an inſtance of the former, they produce this Text, which they ſay, *was not originally in the Bible, but is added to it, and is not found in the moſt ancient Copies of the* Greek, *nor in the* Syriac, Arabic, Ethiopic, *or* Armenian *Bibles, nor in the moſt ancient Latin Bibles.* Notwithſtanding all which, I hope to be able to ſhew, that our Church had reaſon to retain it. For which end we are to conſider theſe things;

1 Joh. 5. 7. *Conſider. on the* Explic. *p.* 29. *Hiſtory of* Unit. *p.* 43. *Anſ. to the Archbiſhop*, p. 29.

1. That *Eraſmus* firſt began to raiſe any ſcruple about it. For, however it might not be in ſome MSS. which were not look'd into, this Verſe was conſtantly and ſolemnly read as a part of Scripture both in the *Greek* and *Latin Churches*, as Mr. *Selden* confeſſes, and that it was in *Wickliff's Bible.* So that here was a general conſent of the Eaſtern and Weſtern Churches for the receiving it; and although there might be a variety in the Copies, yet there was none in the publick Service, and no Objections againſt it that we can find. But *Eraſmus* his Authority ſway'd ſo much here, that in the Bibles in the time of *H.* 8. and *E.* 6 it was retained in a *different Letter.* As in *Tyndall's Bible* printed by the King's Printer, *A. D.* 1540. and in the Church Bible of King *E.* 6. in both which they are read, but not in the ſame Character. Yet *Eraſmus* his Authority was not great enough to caſt it out, if he had a mind to have done it. Which doth not appear, for he ſaith himſelf, that finding it in the *codex Britannicus*, as he calls it, he reſtored it in his *Tranſlation* as well as the *Greek Teſtament*, out of which he had expunged it before in two Editions, and the *Complutenſian Bible* coming out with it, added

Selden de Synod. *l.* 2. *c.* 4.

ded greater Authority to the keeping of it in, and so it was preserved in the *Greek Testaments* of *Hervagius*, *Plantin* and *R. Stephens* and others, after the MSS. had been more diligently searched. *Morinus* saith, *it was in seven of Rob. Stephens* his MSS. but *F. Simon* will not allow that it was in any but the *Complutensian*, which is a strange piece of boldness in him. For *Beza* saith, *He had the use of them all from him*; and *H. Stephens* let him have his Father's Copy compared with 25 MSS. and he affirms, *That he found it in several of* R. Stephens *his old MSS.* besides the *Codex Britannicus* and the *Complutensian Copy*, and therefore he concludes, *that it ought to be retained.* (And so it was, after these Copies were come abroad in the Bishop's Bible, under Queen *Elizabeth*, without any distinction of Character, as likewise in our last Translation.) And it is observable, that *Amelote* affirms that he found it in the *most ancient Greek Copy* in the *Vatican Library*; but the *Roman* Criticks confess, it was not in their 8 MSS; yet they thought it fit to be retained from the common Greek Copies, and the Testimonies of the Fathers agreeing with the vulgar Latin.

Morin exercit. Bibl. l. 1, 2. Ex. 2. Simon differt. de MSS. p. 4. Bez. Epist. ad nov. Testam.

2. This Verse was in the Copies of the *African Churches* from St. *Cyprian*'s time, as appears by the Testimonies of St. *Cyprian*, *Fulgentius*, *Facundus*, *Victor Vitensis*, and *Vigilius Tapsensis*, which are produced by others. *F. Simon* hath a bold conjecture, of which he is not sparing, *that* Victor Vitensis *is the first who produced it as St.* John's *saying*; and that it *was St.* Cyprian's *own assertion and not made use of by him as a Testimony of Scripture.* But they who can say such things as these, are not much to be trusted. For St. *Cyprian*'s Words are, speaking of St. *John* before, *Et iterum de Patre & Filio scriptum est, & hi tres unum sunt.* And it was not *Victor Vitensis*, but the *African Bishops* and *Eugenius* in the head of them, who made that address to *Huneric*, wherein they say, *That it is clearer than Light, that Father, Son and Holy Ghost are one God, and prove it by the Testimony of St.* John. *Tres sunt qui Testimonium perhibent in cælo, Pater, Verbum & Spiritus Sanctus, & hi Tres unum sunt.*

Critique in nov. Test. c. 18.

3. In the former Testimony, the Authority of the *Vulgar Latin* was made use of; and why is it rejected here? When *Morinus* confesses there is no variety in the *Copies* of it. *Vulgata versio hunc versum constanter habet.* And he observes, that those of the Fathers, who seem to omit it (as St. *Austin* against *Maximinus*) did not follow the old Latin Version. *Lucas Brugensis*, saith only, *That in* 35 *old Copies, they found it wanting but in five.* As to St. *Jerom*'s *Prologue*, I am not concerned to defend it; but *Erasmus* thought *it had too much of St.* Jerom *in it*, and others think *it hath too little.* *F. Simon* confesses, that *P. Pithæus* and *Mabillon* think it was St. *Jerom*'s, and that it was in the MSS. But I conclude with saying, That whoever was the Author, at the time when it was written, *the Greek Copies had this Verse*, or else he was a notorious Impostor.

Morin exercit. Bibl. l. 1. Ex. 2. c. 1. n 9.

Critique To. l. c. 9.

X. The next thing I shall ask these *wise Interpreters of Scripture*, is, Whether, when the Scripture so often affirms, *That the World was made by the Son, and that all things were created by him in Heaven and in Earth*, it be reasonable to understand them of *Creating nothing?* For after all their *Shifts* and *Evasions* it comes to nothing at last. But that we may see, how much they are confounded with these places, we may observe.

Joh. 1. 3. Heb. 1. 2, 10. Col. 1. 16.

1. They sometimes say, that where *the Creation of all things is spoken of, it is not meant of Christ but of God.* For in the answer they give to the place of the Epistle to the *Colossians*, they have these Words: *For by him all things were created, are not spoken of Christ, but of God: The sense of the whole context is this, The Lord Christ is the most perfect Image of the invisible God, the First born from the dead of every Creature; for, O* Colossians, *by him, even by the invisible God were all things created; they were not from all eternity, nor rose from*

Hist. of the Unit. p. 38.

from the concourse of Atoms; but all of them, whether things in Heaven, or things in Earth, whether Thrones, or Dominions, or Principalities, or Powers, are Creatures, and were by God created, who is before them all, and by him they all consist. This is a very fair Concession, that of whomsoever these Words are spoken he must be God.

Def. of the History of the Unit. *p.* 3, 14. 2. But in the defence of this very Book, they go about to prove, *That the Creation of the World is not meant by these Words.* Is not this *interpreting like wise Men* indeed? And they tell us, *They cannot but wonder, that Men should attribute the old or first Creation to Christ. Wise Men* do not use to wonder at plain things. For what is the old or first Creation, but the *making the World, and creating all things in Heaven and Earth?* And these things are attributed to the *Word, to the Son, to Christ.* But say they, *The Scripture does never say in express words, that Christ hath created the Heaven and the Earth.* What would these *wise Interpreters* have? Doth not *by whom all things were created in Heaven and Earth* imply, that *Heaven and Earth were created by him?* But they have a notable observation from the Language of the New Testament, *viz. That Christ is never said to have created the Heaven, the Earth, and the Sea, and all that therein is*; but we are apt to think, that *creating all things* takes in the Sea too; and that in the Scripture Language *Heaven* and *Earth* are the same with the *World*; and I hope the *World* takes in the Sea; and the *World* is said to be *made by him*: And do not *all things* take in all? *No*, say they, *all things are limited to all Thrones, Principalities and Powers, visible and invisible.* Then however the making of these is attributed to *Christ.* And *if he made all Powers visible and invisible*, he must be God. *Not so neither.* What then is the meaning of the words, *By him were all things created that are in Heaven and in Earth, visible and invisible; whether they be Thrones, or Dominions, or Principalities or Powers, all things were created by him and for him?* Surely then these
P. 10. *Dominions* and *Powers* were created by him. *No*, say they, *that which we render created, ought to be rendred modelled, disposed, or reformed into a new Order.* Were ever *wise Men* driven to such miserable Shifts? One while these words are very strong and good Proof of the Creation of the World against *Atheists* and *Epicureans*, and by and by they prove nothing of all this, but only a *new modelling of some things called Dominions and Powers.* Do they hope ever to convince Men at this rate of wise interpreting? Well but what is this *creating* or *disposing things* into a *new Order?* And who are these *Dominions* and *Powers?* They answer, *Men and Angels.* How are the *Angels created by him and for him?* Did he die to *reform them*, as well as Mankind? *No, but they are put under him.* And so *they were created by him*, that is, they were *not created by him*, but only *made subject to him.* But who made them *subject to him?* The *Man Christ Jesus?* No; *God appointed him to be the Lord of every Creature.* Then they were not *created by Christ*, but *by God*; but the Apostle saith, they were *created by Christ. But God made him Head of the Church, and as Head of the Body he rules over all.* This we do not at all question; but how this comes to be *creating Dominions and Powers, visible and invisible.* Did God *make the Earth*, and all the living Creatures in it, when he made Man Lord over them? Or rather was Man said to *create them*, because he was made their Head? If this be their interpreting Scripture like *wise Men*, I shall be content with a less measure of Understanding, and thank God for it.

XI. Lastly, is this to *interpret Scripture like wise Men*, to leave the *Form of Baptism doubtful, whether it were not inserted into St.* Matthew's *Gospel?* Or to understand it in another Sense than the Christian Church hath done from
Answer to Milb. *p.* 15. the Apostles times? I say first, *Leave it doubtful*; because they say, *That Learned Criticks have given very strong Reasons why they believe those words,*

In

In the Name of the Father, and of the Son, and of the Holy Ghoſt, were not ſpoke by our Saviour, but have been added to the Goſpel of St. Matthew, *from the common Form and Practice of the Church.* Why are theſe *ſtrong Reaſons of Learned Criticks* mentioned, but to raiſe Doubts in Peoples Minds about them? *But they declare afterwards againſt them.* Not too much of that. For they ſay only, *That they are not without their weight, but they have obſerved ſeveral things that make them think, that this Text is a genuine part of Scripture.* Very *wiſely* and *diſcreetly* ſpoken! The *Reaſons are ſtrong and weighty, but they think otherwiſe.* I wiſh they had told the World, who theſe *learned Criticks* were, leſt it ſhould be ſuſpected that they were their own *Inventions.* But I find a certain *Nameleſs Socinian* was the Author of them; and his Words are produced by *Sandius*, (a Perſon highly commended by them for his Induſtry and Learning, but as much condemned by others for want of Skill or Ingenuity.) The reaſon of writing theſe Reaſons, *Sandius* freely confeſſes was, *Becauſe this place clearly proved a Trinity of Perſons againſt the* Socinians. But what are theſe *very ſtrong and weighty Reaſons?* For it is great pity but they ſhould be known.

P. 16.

Sand. Interp. Et Paradox. p. 115.

In the firſt place he obſerves, *That St.* Matthew's *Goſpel was written in Hebrew, and the Original* he ſaith is loſt; and he *ſuſpects that either St.* Jerom *was himſelf the Tranſlator into Greek and Latin* (*who was a Corrupter of Scripture, and* Origen) *or ſome unknown Perſon; from whence it follows, that our Goſpel of St.* Matthew *is not of ſuch Authority, that an Article of ſuch moment ſhould depend upon it.* Is not this a *very ſtrong and weighty Reaſon?* Muſt not this be a very *learned Critick*, who could mention St. *Jerom* as *Tranſlator of St.* Matthew's *Goſpel* into *Greek*? But then one would think this Interpreter might have been wiſe enough to have added this of himſelf. No; he dares not ſay that, *But that it was added by Tranſcribers.* But whence or how? To that he ſaith, *That they ſeem to be taken out of the Goſpel according to the* Egyptians. This is great News indeed. But comes it from a good hand? Yes, *from* Epiphanius. And what ſaith he to this purpoſe? He ſaith, *That the* Sabellians *made uſe of the* counterfeit Egyptian *Goſpel, and there it was declared that Father, Son and Holy Ghoſt were the ſame.* And what then? Doth he ſay *they borrowed the Form of Baptiſm from thence?* Nothing like it. But on the contrary, *Epiphanius* urges this very Form in that place againſt the *Sabellians*; and quotes St. *Matthew*'s Authority for it. But this worthy Author produces other Reaſons, which *Sandius* himſelf laughs at and deſpiſes, and therefore I paſs them over. The moſt material ſeems to be if it hold, *That the moſt ancient Writers on St.* Matthew *take no notice of them*, and he mentions *Origen*, *Hilary*, and St. *Chryſoſtom*; but theſe Negative Arguments *Sandius* thinks of no force. *Origen* and St. *Chryſoſtom*, he ſaith, *reach not that Chapter.* The *Opus imperfectum*, which was none of his, doth not; but his own Commentaries do, and there he not only mentions the *Form*, but takes notice of the *Compendious Doctrine* delivered by it, which can be nothing elſe but that of the *Trinity.* In the Greek *Catena* on St. *Matthew* there is more mentioned, *viz. That Chriſt had not then firſt his Power given him; for he was with God before, and was himſelf by Nature God.* And there *Gregory Nazianzen* ſaith, *The Form of Baptiſm was in the Name of the Holy Trinity.* And he there ſpeaks more fully: *Remember*, ſaith he, *the Faith into which thou wert baptized. Into the Father? That is well, but that is no farther than the* Jews *go* (for they own *one God*, and *one Perſon.*) *Into the Son? That is beyond them, but not yet perfect. Into the Holy Ghoſt? Yes*, ſaith he, *this is perfect Baptiſm. But what is the common Name of theſe three,* δηλαδὴ τὸ τῦ Θεῦ? *Plainly that of God.* But this *learned Critick* obſerves, *that* Hilary *in ſome Copies takes no notice of this Form.* That is truly obſerved; for the very Concluſion is not *Hilary*'s, but taken out

Epiph. hær. 62; n. 2.

N. 4.

of St. *Jerom*; but if he had look'd into *Hilary*'s Works, he would have found the Form of Baptism owned and asserted by him. For he not only sets it down as *the Form of Faith*, as well as *our Baptism appointed by Christ*; but argues from it against the *Sabellians* and *Ebionites* as well as others. Thus we see how very strong and weighty the Arguments of this *learned Critick* were.

Hilar. l. 2. de Trinit.

CHAP. IX.

The General Sense of the Christian Church proved from the Form of Baptism, as it was understood in the first Ages.

BUT our *Unitarians* pretend, *That they are satisfied, that the Form of Baptism is found in all Copies, and all the ancient Translations, and that it was used before the Council of* Nice, *as appears by several places of* Tertullian. But how then? There are two things stick with them.

P. 17.

(1.) *That the* Ante-Nicene *Fathers do not alledge it to prove the Divinity of the Son or Holy Ghost.*

(2.) *That the Form of Words here used, doth not prove the Doctrine of the Trinity.* Both which must be strictly examin'd.

1. As to the former. It cannot but seem strange to any one conversant in the Writings of those Fathers; when St. *Cyprian* saith expresly, *That the Form of Baptism is prescribed by Christ, that it should be* in plenâ & adunatâ trinitate; i. e. *in the full Confession of the Holy Trinity*; and therefore *he denied the Baptism of the* Marcionites, *because the Faith of the Trinity was not sincere among them*, as appears at large in that Epistle. And this, as far as I can find, was the general Sense of the *Ante-Nicene* Fathers, as well as others. And it is no improbable Opinion of *Erasmus* and *Vossius*, two *learned Criticks* indeed, *That the most ancient Creed went no further than the Form of Baptism, viz.* to Believe *in the Father, Son, and Holy Ghost*; and the other Articles were added as Heresies gave occasion. St. *Jerom* saith, *That in the Traditional Creed, which they received from the Apostles*, the main Article was, *the Confession of the Trinity*; to which he joins, *the Unity of the Church, and Resurrection of the Flesh*; and then adds, *that herein is contained, Omne Christiani Dogmatis Sacramentum, the whole Faith into which Christians were baptized.* And he saith, *It was the Custom among them to instruct those who were to be baptized for forty days in the Doctrine of the Holy Trinity.* So that there was then no Question but the Form of Baptism had a particular Respect to it; and therefore so much weight is laid upon the use of it, as well by the *Ante-Nicene Fathers* as others. For *Tertullian* saith, *That the Form of Baptism was prescribed by our Saviour himself as a Law to his Church.* St. *Cyprian* to the same purpose, *That he commanded it to be used.* St. *Augustin* calls them, *the Words of the Gospel, without which there is no Baptism.* The reason given by St. *Ambrose* is, *because the Faith of the Trinity is in this Form.* But how if any one Person were left out? He thinks, that if the rest be not denied, the Baptism is good; but otherwise, *vacuum est omne Mysterium, the whole Baptism is void.*

Cyprian. ad Jul. *Ep.* 73.
Erasm. ad Censf. Paris. Tit. II.
Vossi. de Symb. diss. I. *n.* 38.
Hierom. *Ep.* 61.
Tertul. de Baptism. *c.* 13.
De Præscript. hæret. *c.* 20.
Cyprian. Ep. 27. 73 Ed. Ox.
Aug. de Baptism. c. Donat. *l.* 6. *c.* 25.
Ambros. de Sp. Sanct. *l.* 1. *c.* 3.
Bed. in Act. 19.
Hugo de S. Vict. de Sacr. *l.* 1. *c.* 13.
Lomb. 4. Sent Dist. 2. c. sed qd.
Basil. Eunom. *l.* 5. *c.* 3 *c.* 10.

So that the *Faith of the Trinity* was that which was required in order to true Baptism, more than the bare *Form of Words*. If there were no reason to question the former, St. *Ambrose* seems of Opinion that the Baptism was good, although every Person were not named; and therein he was followed by *Beda*, *Hugo de Sancto Victore*, *Peter Lombard*, and others. And

St.

St. *Basil* in the *Greek Church* asserted, that *Baptism in the name of the Holy Ghost was sufficient, because he is hereby owned to be of equal Dignity with the Father and Son*; but it is still supposing that the whole and undivided Trinity be not denied. And he elsewhere saith, *That baptizing in the Name of the Father, Son, and Holy Ghost is a most solemn Profession of the Trinity in Unity, because they are all joined together in this publick Act of Devotion.* But others thought that the Baptism was not good, unless every Person were named; which Opinion generally obtained both in the *Greek* and *Latin Church*. And the late Editors of St. *Ambrose* observe, that in other places he makes the whole *Form of Words* necessary as well as the Faith in the Holy Trinity. The Baptism of the *Eunomians* was rejected, because they alter'd the Form and the Faith too, saying, *That the Father was uncreate, the Son created by the Father, and the Holy Ghost created by the Son.* Epiph. Hær. 76. ad fin.

The Baptism of the *Samosatenians* was rejected by the Council of *Nice*. Concil. Nicæn. c. 19. St. *Augustine* thinks it was *because they had not the right Form*; but the true Reason was, they rejected *the Doctrine of the Trinity*. Aug. de Hæres. c. 44. And so the Council of *Arles* I. doth in expres Words refuse their *Baptism who refused to own that Doctrine*. That Council was held *A. D.* 314. and therefore *Bellarmine* and others after him are very much mistaken, when they interpret this Canon of the *Arians*, concerning whose Baptism there could be no Dispute till many years after. Concil. Arel. I. c. 8. Bellarm. de Bap. l. 1. c. 3. But this Canon is *de Afris*, among whom the Custom of Baptizing prevailed; but this Council propounds an expedient as most agreeable to the general Sense of the Christian Church, *viz. That if any relinquished their Heresy, and came back to the Church, they should ask them the Creed; and if they found that they were baptized in the Name of the Father, Son, and Holy Ghost, they should have only imposition of hands; but if they did not confess the Trinity, their Baptism was declared void.* Now this I look on as an impregnable Testimony of the Sense of the *Ante-Nicene* Fathers, *viz.* That they did not allow that Baptism which was not in *the Name of the Father, Son, and Holy Ghost*; or (which they understood to be the same) *in the Confession of the Faith of the Trinity.* How then can our *Unitarians* pretend, *That the Ante-Nicene Fathers did not alledge the Form of Baptism to prove the Trinity?* For the words are, *If they do not answer to this Trinity, let them not be baptized*, saith this *plenary Council*, as St. *Augustine* often calls it. What *Trinity* do they mean? *Of mere Names or Cyphers*, or of *one God and two Creatures* joined in the same Form of words, as our *Unitarians* understand it? But they affirm, *That the Ancients of* 400 *Years do not insist on this Text of St.* Matthew *to prove the Divinity or Personality of the Son or Spirit.* Answer to Milb. p. 18.

Therefore to give a clear account of this matter, I shall prove, that the *Ante-Nicene* Fathers did understand these words, so as not to be taken, either for *meer Names*, or for *Creatures joined with God*; but that they did maintain *the Divinity of the Son and Holy Ghost*, from the general Sense, in which these words were taken among them.

And this I shall do from these Arguments;

1. That those who took them in another Sense, were opposed and condemned by the Christian Church.

2. That the Christian Church did own this Sense in publick Acts of divine Worship as well as private.

3. That it was owned and defended by those who appeared for the Christian Faith against Infidels. And I do not know any better means than these to prove such a matter of Fact as this.

1. The Sense of the Christian Church may be known by its behaviour towards those, who took these words only for different *Names* or *Appearances* of One Person.

And of this we have full Evidence, as to *Praxeas*, *Noetus* and *Sabellius*, all long before the *Council of Nice*.

Praxeas was the first, at least in the Western Church, who made *Father, Son, and Holy Ghost, to be only several Names of the same Person*, and he was with great Warmth and Vigour opposed by *Tertullian*, who charges him with *introducing a new Opinion into the Church*, as will presently appear. And his Testimony is the more considerable, because our *Unitarians* confess, *that he*
p. 17. *lived* 120 *Years before the Nicene Council*, and that he particularly insists *upon the Form of Baptism against* Praxeas. But to what purpose? Was not his
Advers. Prax. c 26. whole design in that Book to prove *three distinct Persons of Father, Son, and Holy Ghost, and yet but One God?* Doth he not say expressly, *That Christ commanded that his Disciples should baptize into the Father, Son, and Holy Ghost, not into One of them*; ad singula nomina in Personas singulas tingimur. *In Baptism we are dipped once at every Name, to shew that we are baptized into three Persons.* It is certain then, that *Tertullian* could not mistake the Sense of the Church so grosly, as to take *three Persons* to be only *three several Names*.

c. 2. He grants to *Praxeas*, *that Father, Son, and Holy Ghost are one*, but how? *Per unitatem substantiæ*, because *there is but one divine Essence*: but yet he saith, *there are three*, not with respect to essential Attributes, for so they are *unius Substantiæ, & unius Status, & unius Potestatis, quia unus Deus.* And therefore the difference can be only as to personal Properties and distinct Capacities, which he calls *Gradus, Forma, Species*, not merely as to internal Relations, but as to external Dispensations, which he calls their *Oeconomy*. For his great business is to prove against *Praxeas*, that *the Son and Holy Ghost* had those things attributed to them in Scripture, which could not be attributed to
Tertul. de præscr. hæret. c. ult. the Father. For *Praxeas* asserted, *That the Father suffer'd*; and thence his Followers were called *Patripassians* and *Monarchici*, i. e. *Unitarians*. The main ground which *Praxeas* went upon, was *the Unity of the Godhead*, so often men-
Con. Prax. c. 3. tion'd in *Scripture*, from hence *Tertullian* saith, *That he took advantage of the weakness of the common sort of Christians, and represented to them, that whereas the Doctrine of Christ made but one God, those who held the Trinity according to the Form of Baptism, must make more Gods than one.* *Tertullian* answers, that they held a *Monarchy*, i. e. *unicum imperium, one supreme Godhead, and a supreme Power may be lodged in distinct Persons and administred in several manners*; that nothing overthrew the *divine Monarchy*, but a *different Power*
c. 4. *and Authority*, which they did by no means assert. They held a *Son*, but of *the Substance of the Father*, and *a Holy Ghost from the Father by the Son*: he still keeps to the *distinction of* Persons, and the *Unity of Substance*. And he utterly denies *any Division of Essences* or *separate Substances*: *for therein*, he saith, *lay the Heresie of* Valentinus, *in making a Prolation of a separate Being.* But although he saith, *the Gospel hath declared to us, that the Father is God, the Son God, and the Holy Ghost God, yet we are taught that there is still but One God*: redactum est jam nomen Dei & Domini in unione, c. 13. whereby *the Christians are distinguished from the Heathens who had many Gods.* This is the force of what *Tertullian* saith upon this matter.

Alium autem quomodo accipere debes jam professus sum, Personæ non Substantiæ nomine, ad Distinctionem, non ad Divisionem, cæterum ubique teneo unam substantiam in tribus cohærentibus. *Advers. Prax.* c. 12.

Et sermo erat apud Deum & nunquam seperatus à Patre aut alius à Patre quia ego & Pater unum sumus. Hæc erat probola veritatis, custos unitatis qua prolatum dicimus Filium à Patre, sed non separatum. C. 8.

And what say our *Unitarians* to it? They cannot deny that he was an *Ante-Nicene Father*; and it is plain that he did understand *the Form of Baptism* so as to imply a *Trinity of Persons in an Unity of Essence*: To which they give no Answer.

But I find three things objected against *Tertullian* by their Friends;

1. That

1. That *Tertullian brought this Doctrine into the Church from* Montanus, whose Disciple he then was. So *Schlichtingius* in his Preface against *Meisner*, grants, *That he was very near the Apostolical Times, and by his Wit and Learning promoted this new Doctrine about the Trinity, especially in his Book against* Praxeas. But how doth it appear, that he brought in any *new Doctrine?* Yes, saith *Schlichtingius*, he confesses, *That he was more instructed by the Paraclete.* But if he had dealt ingenuously, he would have owned that in that very place he confesses, *He was always of that Opinion, although more fully instructed by the Paraclete.* This only shews that *Montanus* himself innovated nothing in this matter, but endeavoured to improve it. And it is possible, that *Tertullian* might borrow his *Similitudes* and *Illustrations* from him, which have added no strength to it. But as to the main of the Doctrine, he saith, *It came from the rule of Faith delivered by the Apostles, before* Praxeas, *or any Hereticks his Predecessors.* Which shews, that those who rejected this Doctrine were always esteemed *Hereticks* in the Christian Church. And this is a very early Testimony of the *Antiquity* and general Reception of it, because as one was received the other was rejected, so that the Assertors of it were accounted *Hereticks.* And the Sense of the Church is much better known by such *publick Acts*, than by mere particular Testimonies of the learned Men of those times. For when they deliver the Sense of the Church in such *publick Acts*, all Persons are Judges of the truth and falshood of them at the time when they are deliver'd; and the nearer they came to the *Apostolical Times*, the greater is the strength of their evidence; this I ground on *Tertullian*'s appealing to the *ancient rule of Faith*, which was universally known and received in the Christian Church, and that such Persons were look'd on as *Hereticks* who differ'd from it. Which being so very near the Apostles Times, it's hardly possible to suppose, that the whole Christian Church should be mistaken as to what they received *as the rule of Faith*, which was deliver'd and explained at Baptism, and therefore the general Sense of the Form of Baptism must be understood by all who were admitted to it. So that the Members of the Christian Church cannot be supposed better acquainted with any thing than the Doctrine they were baptized into. Here then we have a concurrence of several *publick Acts of the Church.* 1. The *Form of Baptism.* 2. The *Rule of Faith* relating to that Form, and explained at Baptism. 3. The *Churches* rejecting those as *Hereticks* who differ'd from it; which *Tertullian* applies to those who rejected the Trinity. And *Praxeas* his Doctrine was then condemned, not by a particular Sentence, but by the general Sense of the Church at that time. For *Optatus Milevitanus* reckons him among the *condemned Hereticks*, and joyns him with *Marcion* and *Valentinus*, as well as *Sabellius*, who follow'd him in the same Heresie. How was this possible, if *Praxeas* deliver'd the true Doctrine, and *Tertullian* brought in a *new Opinion* as *Schlichtingius* fansies? *Tertullian* was at that time a declared *Montanist*; and if he had introduc'd a *new Doctrine* about the Trinity, can we imagine those would have been silent about it, who were sharp enough upon *Tertullian* for the sake of his *Paraclete?* Some of the Followers of *Montanus* afterwards fell into the same Opinions with *Praxeas*, as *Theodoret* tells us, and *Tertullian* saith as much of those *Cataphrygians* who follow'd *Æschines:* But these *Montanists* are distinguished from the rest. And *Rigaltius* observes, that *Tertullian* follow'd *Montanus* chiefly in what related to Discipline, and that himself was not so corrupted in point of Doctrine as some of his Followers were.

Schlicht. ad Meisn. de Trinit. p. 13, 14. 17.

Adverſ. Prax. 2. Nos vero ut ſemper nunc magis ut inſtructiores per Paracletum, &c. Hanc regulam ab initio Evangelii decucurriſſe etiam ante priores hæreticos, nedum Praxean heſternum.

Optat. Mil. *l.* 1.

Theodor. hær. *l.* 3. *c.* 2. Tertull. de præſcr. *c* 5. Rigalt. in Tertul. ad Praxean.

2. It's objected, *That* Tertullian's *Doctrine is inconsistent with the Doctrine of the Trinity; for he denies the eternal Generation of the Son; and only asserts an Emission of him before the Creation.*

Ante-Nicen. *p.* 27.

But my business is not to justifie all *Tertullian*'s Expressions or Similitudes; for Men of Wit and Fancy love to go out of the Road, and sometimes involve

volve things more by Attempts to explain them; but I keep only to that which he ſaith was *the Faith of the Church from the beginning*; and I ſee no reaſon to call in queſtion his Fidelity in reporting, however he might be unhappy in his Explications.

P. 12. 3. *Tertullian himſelf*, ſaith *Schlichtingius*, in other *Places*, *where he ſpeaks of the Rule of Faith, doth not mention the Holy Ghoſt; and therefore this ſeems added by him for the ſake of the Paraclete.* But this can be of no force to any one that conſiders, that *Tertullian* grounds his Doctrine not on any *New Revelation* by the *Paraclete*, but on *the Rule of Faith* received in the Church long before; and upon the *Form of Baptiſm* preſcribed by our Saviour. Will they ſay, *the Holy Ghoſt* was there added for the ſake of *Montanus* his *Paraclete?* And in another of his Books, he owns *the Father, Son, and Holy Ghoſt to make up the Trinity in Unity.* Wherein *Petavius* himſelf confeſſes, *That he aſſerted the Doctrine of the Church in a Catholick manner*; although he otherwiſe ſpeaks hardly enough of him.

In quo eſt Trinitas unius Divinitatis, Pater, Filius & Spiritus Sanctus. De Pudicit. c. 21. Petav. T. 2. l. 1. c. 5. Sect. 4.

The next I ſhall mention, is *Novatian*, whom *Schlichtingius* allows, *to have been before the* Nicene Council; and our modern *Unitarians* call him a *great Man, whoever he was, and very ancient.* And there are two things I obſerve in him. 1. That he oppoſes *Sabellianiſm*; for, before his time *Praxeas* and *Noetus* were little talked of, eſpecially in the Weſtern Church; but *Sabellius* his Name and Doctrine were very well known by the oppoſition to him, by the Biſhops of *Alexandria* and *Rome*. He ſticks not, at the calling it *Hereſie* ſeveral times; and Diſputes againſt it, and anſwers the Objection *about the Unity of the Godhead.* 2. That he owns, *that the Rule of Faith requires our believing in Father, Son, and Holy Ghoſt*; and aſſerts *the Divine Eternity* of it, and therefore muſt hold the *Doctrine of the Trinity* to be the Faith of the Church contained in the *Form of Baptiſm.* For he ſaith, *The Authority of Faith, and the Holy Scriptures admoniſh us to believe not only in the Father and Son, but in the Holy Ghoſt.* Therefore the *Holy Ghoſt* muſt be conſidered, as an object of Faith joyned in the Scripture with the other two, which is no where more expreſs, than in *the Form of Baptiſm*, which as St. *Cyprian* ſaith, was to be *adminiſted in the full Confeſſion of the Trinity*, in the place already mention'd. And it is obſervable that St. *Cyprian* rejects the *Baptiſm* of thoſe who denied the *Trinity* at that time, among whom he inſtances in the *Patripaſſians*, who it ſeems were then ſpread into *Africa.*

Schlichting. Præf. p. 30. Ante-Nicen. p. 27.

Novatian de Trinit. c. 12. 21, 31. C. 29.

Et cum Spiritus Sancti divina æternitate ſociari.

Cypr. Ep. 37.

The Diſpute about the *Marcionites Baptiſm* was upon another ground, for they held a *real Trinity*, as appears by *Dionyſius Romanus* in *Athanaſius*, and *Epiphanius*, &c. but the Queſtion was, whether they held the *ſame Trinity* or not. St. *Cyprian*, ſaith, *That our Saviour appointed his Apoſtles to baptize in the Name of Father, Son, and Holy Ghoſt, and in the Sacrament of this Trinity they were to baptize.* Doth *Marcion* hold this Trinity? So that St. *Cyprian* ſuppoſed the validity of *Baptiſm* to depend on the Faith of the *Trinity.* And if he had gone no farther, I do not ſee how he had tranſgreſſed the Rules of the Church; but his Error was, that he made void Baptiſm upon difference of Communion, and therein he was juſtly oppoſed. But the *Marcionites* Baptiſm was rejected in the Eaſtern Church, becauſe of their Doctrine about the Trinity.

Basil Epiſt. Canon, 47.

In the Parts of *Aſia* about *Epheſus*, *Noetus* had broached the ſame Doctrine, which *Praxeas* had done elſewhere. For which he was called to an account, and *himſelf with his Followers were caſt out of the Churches Communion*, as *Epiphanius* reports, which is another conſiderable Teſtimony of the Senſe of the Church at that time. *Epiphanius* ſaith, *he was the firſt who broached that blaſphemy*; but *Theodoret* mentions *Epigonus* and *Cleomenes* before him; it ſeems,

Epiph. hæ. reſ. 57. n. 1.

that

that he was the first who was publickly taken notice of for it; and therefore underwent the Censure of the Church with his Disciples. When he was first summon'd to answer, he denied *that he asserted any such Doctrine*; *because no Man before him* saith Epiphanius, *had vented such Poison.* And in the beginning he saith, that *Noetus* out of a Spirit of Contradiction had utter'd such things, *as neither the Prophets, nor the Apostles, nor the Church of God ever thought or declared.* Now what was this unheard of Doctrine of *Noetus?* That appears best by *Noetus* his answer upon his second appearance which was, *That he worshipped One God, and knew of no other, who was born and suffer'd, and died for us*; and for this he produced the several places which assert the *Unity of the Godhead*, and among the rest one very observable, *Rom.* 9. 5. *Of whom as concerning the flesh Christ came, who is over all God blessed for ever.* From whence he inferr'd, *that the Son and the Father were the same, and the same he affirmed of the Holy Ghost.* But from hence we have an evident Proof, that the most ancient *Greek Copies* in *Noetus* his time, which was long before the Council of *Nice*, had *God* in the Text. *Epiphanius* brings many places of Scripture to prove the Distinction of Persons in the Unity of the Godhead; but that is not my present business, but to shew the general Sense of the Church at that time. I do not say that *Noetus* was condemned by a general Council; but it is sufficient to shew that he was cast out of the Church, where he broached his Doctrine, and no other Church received him, or condemned that Church which cast him out, which shews an after Consent to it. Now what was this Doctrine of *Noetus?* The very same with that of *Praxeas* at *Rome. Theodoret* saith, this his Opinion was, *That there was but one God the Father, who was himself impassible, but as he took our Nature, so he was passible and called the Son. Epiphanius* more fully, *that the same Person was Father, Son and Holy Ghost*; *wherein*, he saith, *he plainly contradicts the Scriptures, which attribute distinct Personalities to them*; *and yet assert but one Godhead. The Father hath an Hypostasis of his own, and so have the Son and Holy Ghost*; *but yet there is but one Divinity, one Power, and one Dominion*; for these distinct Persons are τῆς αὐτῆς ταυτότητος, τῆς αὐτῆς κυριότητος; *of the same individual Essence and Power.* But *Epiphanius* was no *Ante-Nicene Father*: however in matters of Antiquity, where there is no incongruity in the thing, we may make use of his Authority; and I think no one will question, that *Noetus* was condemned; which was the thing I produced him to prove.

N. 2. Theod. hær. l. 3. c. 3. Epiph. 57. n. 2.

But although *Noetus* was condemned, yet this Doctrine did spread in the Eastern Parts; for *Origen* mentions those *who confounded the Notion of Father and Son, and made them but one Hypostasis, and distinguished only by Thought, and Denomination.* This Doctrine was opposed not only by *Origen*, but he had *the Sense of the Church* concurring with him, as appears in the Case of *Beryllus* Bishop of *Bostra*, who fell into this Opinion, and was reclaimed by *Origen*; and *Eusebius* gives this account of it, *That there was a Concurrence of others with him in it*, and that this Doctrine was look'd on as an Innovation in the Faith. For his Opinion was, *that our Saviour had no proper Subsistence of his own before the Incarnation*; *and that the Deity of the Father alone was in him.* He did not mean that the Son had no separate Divinity from the Father, but that the Deity of the Father only appeared in the Son; so that he was not really God, but only one in whom the Deity of the Father was made manifest. Which was one of the oldest Heresies in the Church, and the most early condemned and opposed by it.

Comment. in Matth. p. 470. Euseb. l. 6. c. 33.

But those Heresies, which before had differenced Persons from the Church, were now spread by some at first within the Communion of it; as it was not only in the Case of *Noetus* and *Beryllus*, but of *Sabellius* himself, who made the greatest noise about this Doctrine; and *his Disciples*, *Epiphanius* tells us, Epiph. hær. 62.

spread

ſpread very much both in the Eaſtern and Weſtern parts, in Meſopotamia *and at* Rome. *Their Doctrine*, he ſaith, *was, that Father, Son and Holy Ghoſt were but one Hypoſtaſis, with three different Denominations.* They compared God to the *Sun, the Father to the Subſtance, the Son to the Light, and the Holy Ghoſt to the Heat which comes from it*; and theſe two latter were only *diſtinct Operations of the ſame Subſtance.*

Epiphanius thinks that *Sabellius* therein differ'd from *Noetus, becauſe he denied that the Father ſuffer'd*; but St. *Auguſtine* can find no difference between them. All that can be conceiv'd is, that a different Denomination did ariſe from the different Appearance and Operation; which our *Unitarians* call *three Relative Perſons, and one ſubſiſting Perſon.*

Aug. in Joh. tract. 36.

Diſcourſe of Nominal and Real Unit. p. 16.

Sabellius did ſpread his Hereſy moſt in his own Country, which was in *Pentapolis* of the *Cyrenaick Province*, being born in *Ptolemais* one of the five Cities there. Of this *Dionyſius* Biſhop of *Alexandria* gives an account in his Epiſtle to *Xyſtus*, then Biſhop of *Rome*; wherein he takes notice of *the wicked and blaſphemous Hereſie lately broached there againſt the Perſons of the Father, Son, and Holy Ghoſt.* Letters on both ſides were brought to him, on which occaſion he wrote ſeveral Epiſtles; among which there was one to *Ammonius* Biſhop of *Bernice*, another of the Cities of *Pentapolis.* In this he diſputed with great warmth againſt this Doctrine of *Sabellius*; inſomuch, that he was afterwards accuſed to *Dionyſius* of *Rome*, that he had gone too far the other way, and leſſen'd the Divinity of the Son by his Similitudes; of which he clear'd himſelf, as appears by what remains of his Defence in *Athanaſius.* But as to his Zeal againſt *Sabellianiſm*, it was never queſtion'd. *Dionyſius* of *Rome* declares his Senſe at large in this matter againſt both Extremes, *viz.* of thoſe who aſſerted *three ſeparate and independent Principles*, and of thoſe who *confounded the Divine Perſons*; and he charges the Doctrine of *Sabellius* too with *Blaſphemy*, as well as thoſe who ſet up *three different Principles*, and ſo *made three Gods.* But he declares the Chriſtian Doctrine to be, that *there were Father, Son and Holy Ghoſt*; *but that there is an indiviſible Union in one and the ſame Godhead.* It ſeems *Dionyſius* of *Alexandria* was accuſed for *dividing and ſeparating the Perſons*; to which he anſwers, that it was impoſſible he ſhould do it, becauſe *they are indiviſible from each other*; *and the Name of each Perſon did imply the inſeparable Relation to the other, as the Father to the Son, and the Son to the Father, and the Holy Ghoſt to both.* And this Judgment of theſe two great Men in the Church concerning *Sabellianiſm* was univerſally receiv'd in the *Chriſtian Church.* And this happen'd long before the *Nicene Council.*

Euſeb. l. 7. c. 6. 26.

Athan. de Decret. Synodi Nicænæ, p. 275.

Athanaſ. de Sentent. Dionyſii, p. 561.

2. Another Argument of the general *Senſe of the Chriſtian Church* is from the *Hymns* and *Doxologies* publickly received; which were in the moſt ſolemn Acts of religious Worſhip made to *Father, Son and Holy Ghoſt.* The force of this Argument appears hereby, that divine Worſhip cannot be given to *meer Names*; and an Equality of Worſhip doth imply an Equality of Dignity in the object of Worſhip; and therefore if the ſame Acts of Adoration be performed to *Father, Son and Holy Ghoſt*, it is plain, that the Chriſtian Church did eſteem them to have the ſame divine Nature, although they were diſtinct Perſons. And if they were not ſo, there could not be diſtinct Acts of divine Worſhip performed to them. St. *Baſil* mentions this *Doxology* of *Africanus*, (that ancient Writer of the Chriſtian Church) in the fifth Book of his *Chronicon*, *We render thanks to him who gave our Lord Jeſus Chriſt to be a Saviour, to whom with the Holy Ghoſt be Glory and Majeſty for ever.* And another of *Dionyſius Alexandrinus*, in his ſecond Epiſtle to *Dionyſius of Rome*; *To God the Father, and his Son our Lord Jeſus Chriſt, with the Holy Ghoſt, be Glory and Power for ever and ever, Amen.* And this is the more conſiderable, be-

Baſil. de Sp. Sancto c. 29.

becauſe he ſaith he *did herein follow the ancient Cuſtom and Rule of the Church; and he joined with it,* ὁμοφώνως αὐτοῖς προσευχαριστοῦντες, *Praiſing God in the ſame voice with thoſe who have gone before us*; which ſhews how early theſe Doxologies to *Father, Son,* and *Holy Ghoſt,* had been uſed in the Chriſtian Church. But to let us the better underſtand the true Senſe of them, St. *Baſil* hath preſerved ſome paſſages of *Dionyſius Alexandrinus* which do explain it, *viz. That either the* Sabellians *muſt allow three diſtinct Hypoſtaſes, or they muſt wholly take away the Trinity.* By which it is evident, that by *Father, Son, and Holy Ghoſt,* he did underſtand *three diſtinct Hypoſtaſes but not divided*; for that appears to have been the *Sabellians* Argument, *That if there were three, they muſt be divided.* No, ſaith *Dionyſius, they are three whether the* Sabellians *will or not, or elſe there is no Trinity*; which he look'd on as a great abſurdity to take away, τὴν θείαν τριάδα, the *Divine Trinity.* Of what? Of mere *Names or Energies?* That is no *Trinity*; for there is but *one ſubſiſting Perſon of ſeparate and divided Subſtances:* That the *Sabellians* thought muſt follow, but both the *Dionyſius's* denied it. And in another Paſſage there mention'd, *Dionyſius* of *Alexandria* aſſerts the *Trinity in Unity.* But before *Dionyſius,* he quotes a Paſſage of *Clemens Romanus* concerning *Father, Son and Holy Ghoſt,* which attributes *Life* diſtinctly to them. Now *Life* cannot belong to a *Name* or *Energy,* and therefore muſt imply a *Perſon.*

Θειοτάτη γὰρ διὰ τοῦτο, μετὰ τὴν Μονάδα καὶ ἡ τριάς.

Ζῆ φησιν ὁ Θεὸς καὶ ὁ Κύριος Ἰησοῦς Χριστὸς, καὶ τὸ πνεῦμα τὸ ἅγιον.

But that which is moſt material to our purpoſe, is the *Publick Doxology* in the Church of *Neo-Cæſarea,* brought in by *Gregory Thaumaturgus.* St. *Baſil* gives a very high Character of him, as of a Perſon of extraordinary Piety and Exactneſs of Life, and a great Promoter of Chriſtianity in thoſe parts, and by him the *Form of Doxology was introduced into that Church,* being chiefly formed by him, (there being but ſeventeen *Chriſtians* when he was firſt made Biſhop there) which was, *Glory to God the Father, and Son, with the Holy Ghoſt,* which ought to be underſtood according to the ſenſe of the Maker of it. And *Gregory* hath deliver'd his ſenſe plainly enough in this matter; for in that *Confeſſion of Faith,* which was preſerved in the Church of *Neo-Cæſarea,* he owns *a perfect Trinity in Glory, Eternity, and Power, without Separation or Diverſity of Nature.* On which Doctrine his Form of *Doxology* was grounded. Which St. *Baſil* following, Exceptions were taken againſt it by ſome, as varying from the Form uſed in ſome other places. For the Followers of *Aetius* took advantage from the Expreſſion uſed in thoſe *Doxologies, Glory be to the Father, by the Son, and in the Holy Ghoſt,* to infer *a Diſſimilitude in the Son and Holy Ghoſt to the Father, and to make the Son the Inſtrument of the Father, and the Holy Ghoſt only to relate to time and place.* But St. *Baſil* takes a great deal of Pains to ſhew the impertinency of theſe Exceptions. They would fain have charged this *Doxology* as an Innovation on St. *Baſil,* becauſe it attributed *equal Honour to Father, Son and Holy Ghoſt,* which the *Aetians* would not endure; but they ſaid, *That the Son was to be honoured only in Subordination to the Father, and the Holy Ghoſt as inferiour to both.* But St. *Baſil* proves from Scripture an *Equality of Honour* to be due to them; and particularly from *the Form of Baptiſm,* c. 10. wherein *the Son and Holy Ghoſt are joined with the Father, without any note of Diſtinction. And what more proper token of a Conjunction in the ſame Dignity, than being put together in ſuch a manner?*

Greg. Thaumat. p. 1.

Eſpecially conſidering theſe two things. 1. The extream Jealouſie of the Jewiſh Nation, as to joining the Creatures with God in any thing that related to Divine Honour. But as St. *Baſil* argues, *If the Son were a Creature then we muſt believe in the Creator and the Creature together; and by the ſame reaſon that one Creature is joined, the whole Creation may be joined with him; but,* ſaith he, *we are not to imagine the leaſt Diſunion or Separation between Fa-*

ther, Son and Holy Ghoſt ; nor that they are three diſtinct parts of one inſeparable Being, but that there is an indiviſible Conjunction of three in the ſame Eſſence ; ſo that where one is, there is the other alſo. For where the Holy Ghoſt is, there is the Son ; and where the Son is, there is the Father. And ſo *Athanaſius* urges the Argument from theſe words, *That a Creature could not be joined with the Creator in ſuch a manner as in the Form of Baptiſm* ; and it might have been as well ſaid, *Baptize in the Name of the Father, and any other Creature.* And for all that I ſee, our *Unitarians* would have liked ſuch a Form very well ; for they parallel it with thoſe in *Scripture* ; *And they worſhipped the Lord and the King* ; and, *They feared the Lord and Samuel.* But the *Jews* underſtood the different occaſion of ſuch Expreſſions too well, to have born ſuch a Conjunction of Creatures with the Creator, in the moſt ſolemn Act of initiating into a Profeſſion of Religion.

Athanaſ. c. Serap. *p.* 10.

Anſwer to Milb. *p.* 18.

The *Jews* had a Notion among them of three diſtinct *Subſiſtences in the Deity*, ſuitable to theſe of *Father, Son, and Holy Ghoſt.* This hath been ſhewed by many as to the Son, or the *Divine Word* ; and *Rittangel* makes out the ſame as to *the Holy Ghoſt.* Among the *three Subſiſtences* in the *Mercavah*, (which *Rittangel* had proved from their moſt ancient Writings) thoſe which are added to the firſt are *Wiſdom* and *Intelligence*, and this laſt is by the old *Chaldee Paraphraſt* render'd שכינתא, and he proves it to be applied to God in many places of the *Pentateuch*, where ſuch things are attributed to him as belong to the Holy Ghoſt. And he particularly ſhews by many places, that the *Shechinah* is not taken for *the Divine Glory*, but that is render'd by other Words, (however the Interpreters of the *Chaldee Paraphraſt* have render'd it ſo) but he produces ten places where the *Chaldee Paraphraſt* uſes it in another Senſe ; and he leaves, he ſaith, many more to the Reader's obſervation. If the *Jews* did of old own *three Subſiſtences* in the ſame Divine Eſſence, there was then great Reaſon to join *Father, Son and Holy Ghoſt* in the ſolemn Act of Initiation : But if it be denied, *that they did own any ſuch thing*, they muſt deny their moſt *ancient* Books, and the *Chaldee Paraphraſt*, which they eſteem next to the Text, and *Rittangel* ſaith, *They believe it written by Inſpiration.* That which I chiefly urge is this, That if theſe things be not very ancient, they muſt be put in by the later *Jews* to gratifie the Chriſtians in the *Doctrine of the Trinity* ; which I do not believe any *Jew* will aſſent to. And no one elſe can imagine this, when our *Unitarians* ſay, *That the Doctrine of the Trinity is the chief Offence which the Jews take at the Chriſtian Religion.* How then can we ſuppoſe the *Jews* ſhould forge theſe Books on purpoſe to put in ſuch Notions, as were moſt grateful to their Enemies, and hateful to themſelves? *Morinus* hath endeavoured to run down the Credit of the moſt ancient Books of the *Jews* ; and among the reſt the Book *Jezirah*, the moſt ancient *Cabbaliſtical* Book among the *Jews*, which he learnedly proves was not written by *Abraham*, (as the *Jews* think) I will not ſtand with *Morinus* about this ; however the Book *Coſri* ſaith, *It was made by* Abraham *before God ſpake to him*, and magnifies it to the King of *Coſar*, as containing an admirable Account of the firſt *Principles* above the *Philoſophers. Buxtorf* ſaith, that the Book *Coſri* hath been extant *Nine hundred Years* ; and in the beginning of it it is ſaid, *That the Conference was four hundred Years before* ; and therein the Book *Jezirah* is alledged as a Book of Antiquity ; and there the *three Subſiſtences* of the Deity are repreſented by *Mind, Word and Hand.* So that this can be no late Invention of *Cabbaliſtical Jews.* But our *Unitarians* utterly deny *that the* Jews *had any* Cabbala *concerning the Trinity.* And they prove it, *becauſe the* Jews *in* Origen *and* Juſtin Martyr *deny the Meſſias to be God.* They might as well have brought their Teſtimony to prove Jeſus not to be the *Meſſias* ; for the *Jews* of thoſe times being hard preſſed by the Chriſtians, found they could not otherwiſe avoid

Rittang. *p.* 81.

P. 113.

P. 117.

Anſwer to Dr. Bull, *p.* 59.

Morin. Exercit. *l.* 2. *l.* 10. *c.* 8.

Coſri Part. 4. *p.* 316.

P. 302.

ſeveral

ſeveral places of the Old Teſtament. But this doth not hinder, but that they might have Notions of *three Subſiſtences* in their ancient Books; which contained neither *late Invention*, nor *Divine Revelations*, but a Traditional notion about the Divine Being, and the *Subſiſtences* in it; and I can find no Arguments againſt it that deſerve mentioning. For when they ſay *the* Jewiſh Cabbala *was a Phariſaical Figment*, &c. it needs no anſwer. But what do they ſay to the *Old Paraphraſes*, whereon the main Weight as to this matter lies? All that I can find is, *That they do not ſpeak of diſtinct Perſons; but they confeſs that* Philo *ſpeaks home, and therefore they make him a* Chriſtian. But *Philo* had the ſame Notion with the *Paraphraſts*; and their beſt way will be to declare, that they look upon them all as Chriſtians; and they might as well affirm it of *Onkelos*, as they do of *Philo*; but I doubt the World will not take their Word for either. P. 61.

But to proceed with the Chriſtian *Doxologies*. *Nothing*, ſaith St. *Baſil*, *ſhall make me forſake the Doctrine I received in my Baptiſm, when I was firſt entered into the* Chriſtian *Church*; *and I adviſe all others to keep firm to that Profeſſion of the Holy Trinity which they made in their Baptiſm*; that is, *of the indiviſible Union of Father, Son and Holy Ghoſt*. And, as he ſaith afterwards, *by the Order of the Words in Baptiſm, it appears, that as the Son is to the Father, ſo the Holy Ghoſt is to the Son. For they are all put without any Diſtinction or Number, which he obſerves agrees only to a multitude. For by their Properties they are one and one*; *yet by the Community of Eſſence the two are but one*: and he makes it his Buſineſs to prove *the Holy Ghoſt to be a proper Object of Adoration as well as the Father and Son, and therefore there was no reaſon to find fault with the Doxology uſed in that Church*; and that, Firmilian, Meletius, *and the Eaſtern* Chriſtians, *agreed with them in the uſe of it, and ſo did all the Weſtern Churches from* Illyricum *to the Worlds end*; *and this*, he ſaith, *was by an immemorial Cuſtom of all Churches, and of the greateſt Men in them*. Nay, more he ſaith, *It had been continued in the Churches from the time the Goſpel had been receiv'd among them*. And nothing can be fuller than the Authority of his Teſtimony, if St. *Baſil* may be believed. DeSp.Sancto, c. 10. C. 17. C. 18. C. 29.

To this I ſhall add the *Doxology* of *Polycarp* at his Martyrdom, mentioned by *Euſebius*, which is very full to our purpoſe; *I glorify thee by our Eternal High-Prieſt, Jeſus Chriſt thy beloved Son, by whom be Glory to thee, with him in the Holy Ghoſt*. What can we imagine *Polycarp* meant by this, but to render the *ſame Glory* to *Father, Son and Holy Ghoſt*; but with ſuch a difference as to the Particles, which St. *Baſil* at large proves come to the ſame thing? And to the ſame purpoſe, not only the Church of *Smyrna*, but *Pionius* the *Martyr*, who tranſcribed the Acts, ſpeaking of *Jeſus Chriſt, with whom be Glory to God the Father, and the Holy Ghoſt*. Theſe ſuffer d Martyrdom for Chriſtianity, and owned the ſame Divine Honour to the *Father, Son and Holy Ghoſt*. Euſeb. *l.*4. *c.* 15. Valeſ. ad Euſeb. *p.* 73.

What could they mean, if they did not believe them to have the ſame Divine Nature? Can we ſuppoſe them guilty of ſuch Stupidity to loſe their Lives for not giving Divine Honour to Creatures, and at the ſame time to do it themſelves? So that if the *Father, Son and Holy Ghoſt* were not then believed to be three *Perſons and one God*, the Chriſtian Church was mightily deceived; and the Martyrs acted inconſiſtently with their own Principles: Which no good Chriſtian will dare to affirm. But ſome have adventured to ſay that *Polycarp did not mean the ſame Divine Honour to Father, Son and Holy Ghoſt*. But if he had ſo meant it, how could he have expreſſed it otherwiſe? It was certainly a Worſhip diſtinct from what he gave to *Creatures*; as appears by the Church of *Smyrna*'s diſowning *any Worſhip* but of *Love and Reſpect to their Fellow-Creatures*; and owning the giving Coteler. VII. *p.* 1027.

ving *Adoration to the Son of God*; with whom they joyn both *Father and Holy Ghoſt*. Which it is impoſſible to conceive, that in their Circumſtances, they ſhould have done, unleſs they had believed the ſame Divine Honour to belong to them.

St. *Baſil*'s Teſtimony makes it out of Diſpute, that the *Doxology* to *Father, Son, and Holy Ghoſt*, was univerſally receiv'd in the publick Offices of the Church, and that from the time of greateſt Antiquity: So that we have no need of the Teſtimonies from the *Apoſtolical Conſtitutions* (as they are called) to prove it. But I avoid all diſputable Authorities. And I ſhall only add, that it appears from St. *Baſil*, that this *Doxology* had been long uſed not only
C. 29. in publick Offices, but in *Occaſional Ejaculations*, as at the bringing in of *Light in the Evening, the People*, he ſaith, *were wont to ſay, Glory be to the Father, and to the Son, and to the Holy Ghoſt*, &c. *This*, he ſaith, *had been an ancient Cuſtom among the People, and none can tell who brought it in.* But
Prudent. Cath. Hymn. 5. *Prudentius*, ſhews, that it was continued to his Time; as appears by his *Hymn* on that occaſion, which concludes with this *Doxology*, and St.
Hilar. Op. N. E. p. 1214. *Hilary* ends his *Hymn* written to his Daughter, in the ſame manner.

3. I come therefore to the laſt Proof, which I ſhall produce of *the Senſe of the Chriſtian Church*, which is, from the *Teſtimony* of thoſe who wrote in *Defence of our Religion againſt Infidels*. In which I ſhall be the ſhorter, ſince the particular Teſtimonies of the Fathers, have been ſo fully produced, and defended by others, eſpecially by Dr. *Bull*.

Apol. 2. p. 94. *Juſtin Martyr* in his *Apology* for the *Chriſtians*, gives an account of the *Form of Baptiſm*, as it was adminiſtred among *Chriſtians*, which he ſaith, was *in the Name of God the Father of all, and of our Saviour Jeſus Chriſt, and of the Holy Ghoſt*. And he ſpake of them as of *diſtinct Perſons*, as appears by his
P. 26. Words afterwards. *They who take the Son to be the Father, neither know the Father nor the Son, who being the Word and firſt begotten is God.* And when
P. 97. he ſpeaks of the *Euchariſt*, he ſaith, *That it is offer'd to the Father of all, by the Name of the Son, and the Holy Ghoſt:* and of other ſolemn Acts of Devo-
P. 98. tion, he ſaith, *That in all of them they praiſe God the Father of all, by his Son*
P. 56. *Jeſus Chriſt, and the Holy Ghoſt*. And in other places, he mentions the Worſhip they give to *Father, Son, and Holy Ghoſt*. Indeed he mentions a
P. 60. *difference of Order* between them; but makes no *Difference* as to the *Worſhip* given to them. And all this in no long *Apology* for the *Chriſtian Faith*. What can be the meaning of this, if he did not take it for granted, that the Chriſtian Church embraced the Doctrine of the *Trinity in Baptiſm? Juſtin Martyr* was no ſuch weak Man to go about to expoſe the Chriſtian Religion inſtead of defending it; and he muſt have done ſo, if he did not believe this not only to be a true, but a neceſſary part of the Chriſtian Faith. For, why did he at all mention ſuch a Myſterious and dark Point? Why did he not conceal it, (as ſome would have done) and only repreſent to the Emperors, the fair and plauſible part of Chriſtianity? No, he was a Man of great Sincerity, and a through Chriſtian himſelf; and therefore thought he could not honeſtly conceal ſo fundamental a Point of the Chriſtian Faith, and which related to their being entred into the Chriſtian Church. For if the Profeſſion of this Faith had not been look'd on as a neceſſary condition of being a Member of the Church of Chriſt; it is hard to imagine, that *Juſtin Martyr* ſhould ſo much inſiſt upon it, not only here, but in his other Treatiſes: Of which an Account hath been given by others.

Athenagoras had been a *Philoſopher*, as well as *Juſtin Martyr*, before he profeſſed himſelf a Chriſtian; and therefore, muſt be ſuppoſed to underſtand

ſtand his Religion before he embraced it. And in his Defence he aſſerts, *That the Chriſtians do believe in Father, Son, and Holy Ghoſt; in God the Father, God the Son, and God the Holy Ghoſt.* And he mentions both *the Unity and Order which is among them.* Which can ſignifie nothing unleſs they be owned to be diſtinct Perſons in the ſame Divine Nature. And in the next Page, he looks on it, as a thing which all Chriſtians aſpire after in another Life, *That they ſhall then know the Union of the Father, and the Communication of the Father to the Son, what the Holy Ghoſt is, and what Union and Diſtinction there is between the Holy Ghoſt, the Son and the Father.* No Man who had ever had the name of a *Philoſopher* would have ſaid ſuch things, unleſs he had believed the Doctrine of the *Trinity* as we do, *i. e.* that there are three diſtinct Perſons in the ſame Divine Nature, but that the manner of the Union, and diſtinction between them, is above our reach and comprehenſion. Athenag. p. 8.

But our *Unitarians* have an Anſwer ready for theſe Men, *viz. That they came out of* Plato's *School, with the Tincture of his three Principles; and they ſadly complain, that* Platoniſm *had very early corrupted the Chriſtian Faith as to theſe matters.* Defence of the Hiſt. of the Unit. p. 5.

In anſwer to which Exception, I have only one *Poſtulatum* to make; which is, that theſe were honeſt Men, and knew their own Minds beſt, and I ſhall make it appear, that none can more poſitively declare, than they do, that they did not take up theſe Notions from *Plato*, but from the *Holy Scriptures*; *Juſtin Martyr* ſaith, *he took the Foundation of his Faith from thence,* and *that he could find no certainty as to God and Religion any where elſe:* that *he thinks,* Plato *took his three Principles from* Moſes; and in his Dialogue with *Trypho*, he at large proves the *Eternity of the Son of God from the Scriptures*; and ſaid, *He would uſe no other Arguments, for he pretended to no Skill but in the Scriptures, which God had enabled him to underſtand.* Reſp. ad Judic. Eccleſ. p. 17. 178. Juſt. Apol. 2. Paræi. ad Græc. p. 18, 22, 24 Dial. cum Trypho, p. 274, &c.

Athenagoras declares, *That where the Philoſophers agreed with them, their Faith did not depend on them, but on the Teſtimony of the Prophets, who were inſpired by the Holy Ghoſt.* Athenag. p. 8, 9.

To the ſame purpoſe ſpeaks *Theophilus* Biſhop of *Antioch*, who aſſerts the *Co-eternity of the Son with the Father, from the beginning of St.* John's *Goſpel*; and ſaith, *their Faith is built on the Scriptures.* Theophil. ad Autolyc. p. 100.

Clemens Alexandrinus owns not only, the *Eſſential Attributes of God to belong to the Son*; but *that there is one Father of all, and one Word over all, and one Holy Ghoſt who is every where.* Clemens, Pæd. l. 3. c. 7.

And he thinks, Plato *borrowed his three Principles from* Moſes; *that his ſecond was the Son, and the third his Holy Spirit.* Str. l. 4. p. 517. Prof. p 68.

Even *Origen* himſelf highly commends *Moſes above* Plato, in his moſt undoubted Writings, and ſaith, *That* Numenius *went beyond* Plato, and *that he borrowed out of the Scriptures*; and ſo he ſaith, Plato *did* in other places; but he adds, *That the Doctrines were better deliver'd in Scripture, than in his Artificial Dialogues.* Can any one that hath the leaſt reverence for Writers of ſuch Authority and Zeal for the Chriſtian Doctrine, imagine that they wilfully corrupted it in one of the chief Articles of it; and brought in new Speculations againſt the Senſe of thoſe Books, which at the ſame time, they profeſſed to be the only Rule of their Faith? Even where they ſpeak moſt favourably of the *Platonick* Trinity, they ſuppoſe it to be borrowed from *Moſes.* Pæd. l. 1. c. 6. Str. l. 5. p. 593. Orig. c. Cel. l. 1. p. 16. l. 4. p. 198. l. 6. p. 275, 279, &c. 308. l. 7. p. 351, 371.

And therefore *Numenius* ſaid, *That* Moſes *and* Plato *did not differ about the firſt Principles*; and *Theodoret* mentions *Numenius* as one of thoſe, who ſaid, Plato *underſtood the Hebrew Doctrine in* Egypt; and during his Thirteen Years ſtay there, it is hardly poſſible to ſuppoſe, he ſhould be ignorant Clem. Alex. Str. 1. Euſeb. Præp. l. 8. Theod. Serm. 1.

rant of the *Hebrew Doctrine*, about the *first Principles*, which he was so inquisitive after, especially among Nations, who pretended to Antiquity.

And the *Platonick Notion* of the *Divine Essence inlarging it self to three Hypostases*, is considerable on these Accounts:

1. That it is delivered with so much assurance by the Opposers of Christianity; such as *Plotinus*, *Porphyrius*, *Proclus* and others were known to be, and they speak with no manner of doubt concerning it; as may be seen in the passages of *Porphyry* preserved by St. *Cyril* and others.

Cyril. c. Jul. l. 1. & l. 8.

2. That they took it up from no Revelation; but as a Notion in it self agreeable enough; as appears by the passages in *Plato* and others concerning it. They never suspected it to be liable to the Charge of *Non-Sense*, and *Contradictions*, as our modern *Unitarians* charge the Trinity with; although their Notion as represented by *Porphyry* be as liable to it. How came these Men of Wit and Sense, to hit upon, and be so fond of such absurd Principles which lead to the Belief of Mysterious *Non-Sense*, and *Impossibilities*, if these Men may be trusted?

3. That the Nations most renowned for Antiquity and deep Speculations, did light upon the same Doctrine, about a Trinity of *Hypostases* in the Divine Essence. To prove this I shall not refer to the *Trismegistick Books*, or the *Chaldee Oracles*, or any doubtful Authorities; but *Plutarch* asserts the *three Hypostases to have been receiv'd among the* Persians, and *Porphyry*, and *Jamblichus*, say the same of the *Egyptians*.

Plutarch de Isid. & Osirid. p. 369. ed. Fr.

4. That this *Hypostasis* did maintain its Reputation so long in the World. For we find it continued to the time of *Macrobius*; who mentions it as a reasonable Notion, *viz.* of *one supreme Being, Father of all, and a Mind proceeding from it, and Soul from Mind.* Some have thought *that the* Platonists *made two created Beings, to be two of the Divine Hypostases*; but this is contrary to what *Plotinus* and *Porphyry* affirm concerning it, and it is hard to give an Account, how they should then be Essentially different from Creatures, and be *Hypostases in the Divine Essence.* But this is no part of my business, being concerned no farther, than to clear the Sense of the Christian Church, as to the *Form of Baptism in the Name of the Father, Son, and Holy Ghost*; which according to the Sense of *the Ante Nicene Fathers*, I have proved, doth manifest the Doctrine of the Trinity, to have been generally receiv'd in the Christian Church.

Eusebius Præp. E. l. 3. c. 11. Jamb. de Myst. Sect. 8. c. 2. Macrob. in Som. Scipion. l. 1. c. 14.

2 Let us now see what our *Unitarians* object against the Proof of the Trinity from these Words.

1. They say, *That there is a Note of distinction and Superiority. For Christ owns, that his Power was given to him by the Father.*

Answer to Milb. p. 17.

There is no question, but that the Person who suffer'd on the Cross, had Power given to him, after his Resurrection; but the true Question is, whether his *Sonship* were then given to him. He was then *declared to be the Son of God with Power, and had a Name or* Authority *given him above every Name; being exalted to be a Prince and a Saviour, to give Repentance, and Remission of Sins:* in order to which *he* now appointed his Apostles *to teach all Nations*; *baptizing them in the Name of the Father, the Son, and the Holy Ghost.* He doth not say, in the Name of *Jesus*, who suffer'd on the Cross; nor in the Name of *Jesus the Christ* now exalted; but in the Name of *Father, Son, and Holy Ghost:* and although there were a double Gift with respect *to the Son and Holy Ghost*; the one, as to his Royal Authority over the Church; the other, as to his extraordinary Effusion on the Apostles, yet neither of these are so much as intimated; but the Office of Baptism is required to be performed in the Name of these three as distinct

and

and yet equal; without any Relation to any Gift, either as to the *Son or Holy Ghoſt*. But if the ancient *Jews* were in the Right, as we think they were, then we have a plain account, how theſe came to be thus mention'd in the Form of Baptiſm, *viz.* that theſe three diſtinct Subſiſtences in the Divine Eſſence, were not now to be kept up as a ſecret Myſtery from the World; but that the Chriſtian Church was to be formed upon the Belief of it.

2. They bring *ſeveral places of Scripture, where God and his Creatures are joyned, without any Note of diſtinction or Superiority*; *as, The People feared the Lord, and* Samuel, 1 Sam. 12. 18. *They worſhipped the Lord, and the King*, 1 Chron. 29. 20. *I charge thee before God and the Lord Jeſus Chriſt, and his elect Angels*, 1 Tim. 5. 21. *The Spirit and the Bride ſay come*, Revel. 22. 17.

But can any Man of Senſe imagine, theſe places contain a Parallel with a Form of Words, wherein Men are entred into the Profeſſion of a new Religion, and by which they were to be diſtinguiſhed from all other Religions? In the former places, the Circumſtances were ſo notorious as to *God*, and the *Civil Magiſtrate*, that it ſhews no more than that the ſame external Acts may be uſed to both, but with ſuch a different Intention as all Men underſtood it. What if St. *Paul* name *the elect Angels* in a ſolemn Obteſtation to *Timothy*, together with *God, and the Lord Jeſus Chriſt?* What can this prove, but that we may call God and his Creatures to be Witneſſes together of the ſame thing? And ſo *Heaven and Earth* are called to bear Witneſs againſt obſtinate Sinners: May Men therefore be baptized in the Name of *God and his Creatures? The Spirit and Bride* may ſay *come* without any Incongruity; but it would have been ſtrange indeed, if they had ſaid, *Come be baptized in the Name of the Spirit and the Bride.* So that theſe Inſtances are very remote from the purpoſe.

But they ſay farther, *That the ancients of the firſt four Hundred Years do not inſiſt on this place, to prove the Divinity or Perſonality of the Son or Spirit.* As to the firſt *three Hundred Years*, I have given an Account already; and as to the *Fourth Century*, I could not have thought, that they would have mention'd it: ſince there is ſcarce a Father of the Church in that time, who had occaſion to do it, but makes uſe of the Argument from this place to prove *the Divinity and Perſonality of the Son and Spirit.*

Athanaſius ſaith, *That Chriſt founded his Church on the Doctrine of the Trinity contained in theſe Words; and if the Holy Ghoſt had been of a different Nature, from the Father and Son, he would never have been joyned with them in a Form of Baptiſm, no more than an Angel, or any other Creature. For the Trinity muſt be Eternal and Indiviſible, which it could not be, if any created Being were in it*, and therefore he diſputes againſt the *Arian Baptiſm*, although performed with the ſame Words, becauſe *they joyned God and a Creature together in Baptiſm.* To the ſame purpoſe argue *Didymus*, *Gregory Nazianzen*, St *Baſil* and others, within the Compaſs of four hundred Years, whoſe Teſtimonies are produced by *Petavius*; to whom I refer the Reader, if he hath a mind to be ſatisfied in ſo clear a Point, that I cannot but think our *Unitarians* never intended to take in the *Fathers* after the Council of *Nice*, who are ſo expreſly againſt them; and therefore I paſs it over as a ſlip.

Athan. Ep. ad Serapion, *p.* 14. Tom. 2. Ad Serap. Tom. 1. *p.* 186. 179. Or. 3. c. Arian *p.* 413. Petavius T. III. *l.* 2. *c.* 12. *ſect.* 8.

4. They object, *That the Form of Baptiſm implies no more, than being admitted into that Religion which proceeds from God the Father, and deliver'd by his Son, and confirmed by the Teſtimony of the Holy Ghoſt.* So much we grant is implied, but the Queſtion ſtill remains, whether the *Son* and *Holy Ghoſt* are here to be conſider'd only in order to their *Operations*, or whether the Perſons of the *Son and Holy Ghoſt*, from whom thoſe Effects came, are not here

Hiſt. of the Unitar. *p.* 25.

here chiefly intended? For if no more had been meant but these Effects, then the right Form of Admission had not been, *Into the Name of Father, Son, and Holy Ghost*; but *in the Name of the Father alone*, as *revealing* himself by his *Son*, and *confirming* it by the miraculous Works of the *Holy Ghost*. For these are only subservient Acts to the design of God the *Father*, *as the only subsisting Person*.

4. They tell us, *That it is in vain, not to say ridiculously pretended, that a Person or thing is God, because we are baptized into it; for some were baptized into* Moses, *and others into* John's *Baptism, and so* Moses *and* John Baptist *would be Gods; and to be baptized into a Person or Persons, and in the Name of such a Person is the same thing.* Grant this; yet there is a great difference between being baptized in the name of *a Minister of Baptism*, and of *the Author of a Religion*, into which they are baptized. The *Israelites were baptized unto* Moses; but how? The *Syriac* and *Arabic Versions* render it *per Mosen*; and so St. *Augustine* reads it. And this seems to be the most natural sense of the Word, εἰς being put for διὰ, as it is *Act.* 7: 53. compared with *Gal.* 3. 19. And the force of the Apostle's Argument doth not lie in the Parallel between being *baptized into* Moses, *and into* Christ; but in the Privileges they had under the *Ministery of* Moses, with those which Christians enjoyed. The other place implies no more, than being enter'd into that Profession, which *John* baptized his Disciples into. But doth any one imagine, that because *John Baptist* did enter his *Disciples* by Baptism, therefore they must believe him to be God? I know none that lay the force of the Argument upon any thing parallel to those places. But it depends upon laying the Circumstances together. Here was a new Religion to be taught Mankind, and they were to be entred into it, not by a bare verbal Profession, but by a solemn Rite of Baptism; and this *Baptism* is declar'd to be *in the Name of the Father, Son and Holy Ghost*; which cannot be understood of their *Ministry*, and therefore must relate to that Faith which they were baptized into, which was concerning *the Father, Son and Holy Ghost*. And so the Christian Church understood it from the beginning, as I have proved in the foregoing Discourse.

Aug. in Psal. 77.

And from hence came the Instruction of *Catechumens*, who were to be baptized, about the *Trinity*; and the first *Creeds*, which related only to them, as I have already observed. And so much our *Unitarians* grant in one of their latest Pamphlets, that a *Creed was an Institution or Instruction what we are to believe in the main and fundamental Articles, especially concerning the Persons of Father, Son and Holy Ghost*. But they contend, *That the Creed which bears the Name of the Apostles, was the Original Creed framed by the Apostles themselves, because they suppose this Creed doth not assert the Son and Holy Ghost to be eternal and divine Persons, and therefore they conclude, that the Makers of this Creed either did not know, that any other Person but the Father is God, or Almighty, or Maker of Heaven and Earth, or they have negligently or wickedly concealed it.*

Answer to Dr. Bull, p. 17.

This is a matter so necessary to be clear'd, that I shall examine these two things before I put an end to this Discourse.

1. What Proofs they bring that this *Creed* was framed by the Apostles.

2. What Evidence they produce that this *Creed* excludes the *Divinity of the Son and Holy Ghost*.

1. As to the Proofs they bring, that this *Creed* was framed by the Apostles. We believe the *Creed* to be *Apostolical* in the *true Sense* of it; but that it was so in that *Frame of Words*, and Enumeration of Articles, as it is now receiv'd, hath been called in question by some *Criticks* of great Judgment and Learning, whom I have already mentioned. *Erasmus* saith, *He doth*

doth not queſtion the Articles being Apoſtolical; but whether the Apoſtles put it thus into Writing. And his chief Argument is from the *Variety* of the *ancient Creeds*; of which no Account can be given ſo probable, as that they were added *Occaſionally* in oppoſition to a growing Hereſie. As for Inſtance, the Word *impaſſible* was inſerted with Reſpect to the Father in the ancient *Eaſtern Creed*, againſt the Doctrine of *Sabellius*, but it was not in the old *Weſtern Creed*. And he argues, That the *Apoſtolical Creed* ended with the Holy Ghoſt; becauſe the *Nicene Creed* did ſo. And *Voſſius* thinks the other Articles which are in *Cyril*, were added after the *Nicene Council*; which would not have omitted them, if they had been in the former Creed. And when there were ſo many *Creeds* made afterwards, it is obſervable that they do all end with the Article of the *Holy Ghoſt*; which they would never have done, in ſo jealous a time about *Creeds*, if they had left out any Articles of what was then receiv'd for the *Apoſtolical Creed*.

Eraſ. ad Cenſ. pariſ. Tit II.

Voſſ. de tribus Symb. Differt. 1. *Sect.* 47.

The firſt *Creed* after the *Nicene*, which made great noiſe in the World, was that framed at *Antioch*; and that *Creed* not only ends with the Article of the Holy Ghoſt, but mentions the *Form of Baptiſm, and our Saviour's commanding his Apoſtles to baptize in the Name of the Father, Son and Holy Ghoſt*, as the Foundation of the Creed. *For it hereby appears, that the Father is true Father, and the Son true Son, and the Holy Ghoſt true Holy Ghoſt; not bare Names, but ſuch as import three diſtinct Subſiſtences.*

Hilar. de Synod, p. 1169.

For *Hilary* obſerves, That this Council chiefly intended to overthrow *Sabellianiſm*, and therefore aſſerted *tres Subſiſtentium Perſonas*, as *Hilary* interprets their meaning, and ſo doth *Epiphanius*; which was to remove the Suſpicion, that they aſſerted only *triplicis vocabuli Unionem*, as *Hilary* ſpeaks. The next *Creed* is of the Eaſtern Biſhops at *Sardica*, and that ends with *the Holy Ghoſt*; and ſo do both the Creeds at *Sirmium*: and the latter calls the *Article of the Trinity, the cloſe of our Faith*; which is always to be kept according to our Saviour's Command, *Go teach all Nations, baptizing them in the Name of the Father, Son and Holy Ghoſt.* So that in all theſe *Creeds*, about which there was ſo much heat in the Chriſtian Church, there was not the leaſt Objection, that any Articles of the *Apoſtolical Creed* were omitted. It is no Argument, That there was then no conteſt about theſe Articles; for they were bound to give in an entire Creed; and ſo the Council of *Antioch* declares, that they would publiſh the *Confeſſion of the Faith of the Church*; and how could this be, if they left out ſuch Articles which had been always receiv'd from the Apoſtles times? But certainly our *Unitarians* would not attack ſuch Men as *Eraſmus* and *Voſſius*, in a matter relating to Antiquity, if they had not ſome good Arguments on their ſide. Their firſt buſineſs is to ſhew, that ſome of *Voſſius* his Arguments are not concluſive; ſuch as they are, I leave them to any one that will compare them with the Anſwers. But there are two things they lay weight upon.

Epiphanius hær. 73. *n.* 17.

Clauſula Fidei in Edit. nuperâ Pariſ. ex MSS.

1. *That the whole Chriſtian Church Eaſt and Weſt, could not have agreed in the ſame Creed, as to Number and Order of Articles, and manner of Expreſſion, if this Creed had not come from the ſame Perſons, from whom they receiv'd the Goſpel and the Scriptures; namely, from the Apoſtles and Preachers of Chriſtianity.* P. 27.

2. *That it was receiv'd by a conſtant Tradition to have been the Apoſtles*; not a bare *Oral Tradition*, but *the Tradition of the ancient Commentators upon it.* P. 28.

Now theſe I confeſs to be as good Arguments as the Matter will bear; and I will no longer conteſt this Point with them, provided that we be allowed to make uſe of the ſame Arguments, as to the ſecond Point; wherein they undertake to prove, *That the Apoſtles Creed doth exclude the Divinity of the Son and Holy Ghoſt.* What is now become of the *general Conſent of*

the Christian Church, East and West? And of the Commentators upon this Creed? If the Argument hold good in one Case, I hope it will be allowed to do so in the other also. And what greater Testimony can be given of such a *Consent of the Christian Church*, than that those who opposed it have been condemned by it, and that the Church hath expressed her Sense of it in *Publick* and *Private Acts* of *Devotion*, and *Divine Worship*, and have defended it as a necessary part of the *Christian Faith*, against the Assaults of *Infidels* and *Hereticks?* So that although the *Apostles Creed* do not in express words declare, *The Divinity of the three Persons in the Unity of the Divine Essence*; yet taking the *Sense* of those Articles, as the *Christian Church* understood them from the Apostles times, then we have as full and clear Evidence of this Doctrine, as we have *that we receiv'd the Scriptures from them.*

CHAP. X.

The Objections against the Trinity *in Point of Reason answer'd.*

HAving in the foregoing Chapters endeavour'd to clear the Doctrine of the *Trinity* from the charge of *Contradictions*, and to prove it agreeable to the *Sense* of *Scripture*, and the *Primitive Church*;

I now come in the next place to examine the remaining Objections in point of Reason; and those are,

1. That this Doctrine is said to be a *Mystery*, and therefore *above Reason*; and we cannot in reason be obliged to believe any such thing.

2. That if we allow any such *Mysteries of Faith* as are *above Reason*, there can be no stop put to any absurd Doctrines, but they may be receiv'd on the same grounds.

1. As to this Doctrine being said to be *above Reason*, and therefore not to be believ'd, we must consider two things;

1. What we understand by *Reason.*

2. What ground in Reason there is, to reject any Doctrine *above it*, when it is proposed as a Matter of Faith.

1. What we understand by *Reason.* I do not find that our *Unitarians* have explain'd the *Nature* and *Bounds* of *Reason* in such manner, as those ought to have done, who make it the Rule and Standard of what they are to believe. But sometimes they speak of *clear and distinct Perceptions*, sometimes of *natural Ideas*, sometimes of *congenit Notions*, &c. But a late Author hath endeavour'd to make amends for this, and takes upon him to make this matter clear; and to be sure to do so, he begins with telling us, *That Reason is not the Soul abstractedly consider'd*; (no doubt of it) *but the Soul acting in a peculiar manner is Reason.* (And this is a very *peculiar way* of explaining it.) But farther we are told, *It is not the Order or Report* (respect I suppose) *which is naturally between all things.* (But that implies a Reason in things.) *But the thoughts which the Soul forms of things according to it, may properly claim that Title*, i. e. such thoughts which are agreeable to the reason of things are reasonable Thoughts. This is clear and distinct. And I perfectly agree with him, *That our own Inclinations, or the bare Authority of others is not Reason.* But what is it? *Every one experiences in himself a Power, or Faculty of forming various Ideas, or Perceptions of things; of affirming or denying, according as he sees them to agree or disagree; and this is Reason in general. It is not the bare receiving Ideas into the Mind, that is strictly*

Answer to my Sermon, p. 4
Letter of Resolution, p. 3.
Christianity not mysterious, p. 8, 9.

ſtrictly Reaſon, (who ever thought it was?) *but the Perception of the Agreement or Diſagreement of our Ideas in a greater or leſſer Number, wherein ſoever this Agreement or Diſagreement may conſiſt. If the Perception be immediate without the Aſſiſtance of any other Idea, this is not call'd Reaſon, but Self-Evidence; but when the Mind makes uſe of intermediate Ideas to diſcover that Agreement or Diſagreement, this method of Knowledge is properly call'd Reaſon or Demonſtration. And ſo Reaſon is defined to be that Faculty of the Soul which diſcovers the Certainty of any thing dubious or obſcure, by comparing it with ſomething evidently known.*

This is offer'd to the World as an account of Reaſon; but to ſhew how very looſe and unſatisfactory it is, I deſire it may be conſider'd, that this Doctrine ſuppoſes that we muſt have *clear and diſtinct Ideas* of whatever we pretend to any certainty of in our Minds; and that the only way to attain this Certainty, is by comparing theſe *Ideas* together. Which excludes all Certainty of Faith or Reaſon, where we cannot have ſuch *clear and diſtinct Ideas*. But if there are many things of which we may be certain, and yet can have no *clear and diſtinct Ideas* of them; if thoſe *Ideas* we have are too imperfect and obſcure to form our Judgments by, if we cannot find out ſufficient *intermediate Ideas*, then this cannot be the *Means* of *Certainty*, or the *Foundation* of *Reaſon*.

But I ſhall keep to our preſent Subject; and our certainty of it in point of Reaſon depends upon our Knowledge of the Nature of *Subſtance* and *Perſon*, and the *Diſtinction* between them; but if we can have no ſuch *clear Ideas* in our Minds concerning theſe things, as are required from *Senſation* or *Reflection*, then either we have no uſe of *Reaſon* about them, or it is inſufficient to paſs any Judgment concerning them.

1. I begin with the Notion of *Subſtance*; and I have great reaſon to begin with it; for according to this Man's Principles, there can be no Certainty of Reaſon at all about it. And ſo our new way of Reaſon is advanced to very good purpoſe. For we may talk and diſpute about *Subſtance* as long as we pleaſe; but if his Principles of Reaſon be true, we can come to no Certainty; ſince we can have no *clear Idea* in our Minds concerning it, as will appear from his own Words, and the Method he proceeds in.

(1.) He ſaith, *That the Mind receives in Ideas two ways.* 1. *By Intromiſſion of the Senſes; as Colours, Figures, Sounds, Smells,* &c. 2. *By the Souls conſidering its own Operations about what it thus gets from without; as knowing, doubting, affirming, denying,* &c. Chap. 1.

(2.) *That theſe ſimple and diſtinct Ideas, thus laid up in the great Repoſitory of the Underſtanding, are the ſole Matter and Foundation of all our Reaſoning.*

Then it follows, That we can have *no Foundation of Reaſoning*, where there can be no ſuch *Ideas* from *Senſation or Reflection*.

Now this is the Caſe of *Subſtance*; it is not *intromitted by the Senſes*, nor depends upon *the Operations of the Mind*, and ſo it cannot be within the compaſs of our Reaſon. And therefore I do not wonder, that the Gentlemen of this new way of Reaſoning have almoſt diſcarded *Subſtance* out of the reaſonable part of the World. For they not only tell us, *That we can have no Idea of it by Senſation or Reflection*; but that *nothing is ſignified by it, only an uncertain Suppoſition of we know not what.* And therefore it is parallel'd more than once with the *Indian Philoſophers, He knew not what; which ſupported the* Tortoiſe, *that ſupported the* Elephant, *that ſupported the Earth*; ſo *Subſtance was found out only to ſupport Accidents.* And, *That when we talk of Subſtances we talk like Children, who being ask'd a Queſtion about ſomewhat which they know not, readily give this ſatisfactory Anſwer, that it is ſomething.* *Human Underſtanding,* l. 1. chap. 4. ſect. 18. *L.* 2. *c.* 13. *ſect.* 19. *Chap.* 23. *ſect.* 2.

If this be the truth of the Caſe, we muſt ſtill *talk like Children*, and I know not how it can be remedied. For, if we cannot come at a rational Idea of *Subſtance*, we can have no Principle of certainty to go upon in this Debate.

I do not ſay, that we can have a *clear Idea of Subſtance*, either by *Senſation* or *Reflexion*; but from hence I argue, that this is a very inſufficient Diſtribution of the *Ideas* neceſſary to Reaſon. For beſides theſe, there muſt be ſome *general Ideas*, which the Mind doth form, not by *meer comparing thoſe Ideas it has got from Senſe or Reflexion*; but by forming diſtinct general Notions of things from particular *Ideas*. And among theſe general Notions, or rational *Ideas*, *Subſtance* is one of the firſt; becauſe we find that we can have no true Conceptions of any *Modes* or *Accidents* (no matter which) but we muſt conceive a *Subſtratum*, or Subject wherein they are, ſince it is a Repugnancy to our firſt Conceptions of things, that *Modes* or *Accidents* ſhould ſubſiſt by themſelves, and therefore the *Rational Idea* of *Subſtance* is one of the firſt, and moſt natural *Ideas* in our Minds.

L. 2. ch. 1. ſect. 5. But we are ſtill told, *That our Underſtanding can have no other Ideas, but either from Senſation or Reflection.* And *that, herein chiefly lies the Excellency of Mankind, above Brutes, that theſe cannot abſtract, and inlarge their Ideas, as Men do.*

But how comes the *general Idea* of *Subſtance*, to be framed in our Minds? Is this by *Abſtracting* and *inlarging ſimple Ideas*? No, *but it is by a Complication of many ſimple Ideas together: becauſe not imagining how theſe ſimple Ideas* L. 2. ch 23. ſect. 1. *can ſubſiſt by themſelves, we accuſtom our ſelves to ſuppoſe ſome* Subſtratum *wherein they do ſubſiſt, and from which they do reſult, which therefore we call Subſtance.* And is this all indeed, that is to be ſaid for the being of *Subſtance, that we accuſtom our ſelves to ſuppoſe a* Subſtratum? Is that *Cuſtom* grounded upon true Reaſon or not? If not, then *Accidents* or *Modes*, muſt ſubſiſt of themſelves, and theſe *ſimple Ideas* need no *Tortoiſe* to ſupport them: For *Figures* and *Colours*, &c. would do well enough of themſelves, but for ſome Fancies *Men have accuſtomed themſelves to.* If it be grounded on plain and evident Reaſon, then we muſt allow an *Idea* of *Subſtance*, which comes not in by *Senſation* or *Reflection*; and ſo we may be certain of ſome things which we have not by thoſe *Ideas*.

The Idea of Subſtance, we are told again, *is nothing but the ſuppoſed, but unknown ſupport of thoſe Qualities we find exiſting, which we imagine cannot ſubſiſt* ſine re ſubſtante *which according to the true import of the Word, is in plain Engliſh ſtanding under, or upholding.* But very little weight is to be laid upon a bare *Grammatical Etymology*, when the Word is uſed in another Senſe by the beſt Authors, ſuch as *Cicero* and *Quintilian*, who take *Subſtance* for the ſame with *Eſſence*; as *Valla* hath proved; and ſo the Greek Word imports; but *Boethius* in tranſlating *Ariſtotle's Predicaments*, rather choſe the Word *Subſtance* as more proper, to expreſs a *Compound Being*, and reſerved *Eſſence*, for what was more ſimple and immaterial. And in this Senſe, *Subſtance* was not applied to God but only *Eſſence*, as St. *Auguſtine* obſerves, but afterwards, the Names of *Subſtance*, and *Eſſence* were promiſcuouſly uſed, with reſpect to God and his Creatures. And do imply, that which makes the *Real Being*, as diſtinguiſhed from *Modes* and *Properties*. And ſo the *Subſtance*, and *Eſſence* of a Man are the ſame; not being taken for the *individual Subſtance*, which cannot be underſtood without particular *Modes* and *Properties*; but the general Subſtance, or Nature of Man abſtractly for all the Circumſtances of Perſons.

Vall. Diſput. Dial. l. 1. c. 6.

And I deſire to know, whether according to true Reaſon, that be not a *clear Idea* of a Man; not of *Peter*, *James* or *John*, but of a Man as ſuch. This is not a meer *univerſal Name*, or *Mark*, or *Sign*; but there is as clear

and

and distinct a Conception of this in our Minds, as we can have from any such *simple Ideas*, as are convey'd by our Senses. I do not deny that the Distinction of particular Substances, is by the several Modes and Properties of them, (which they may call *a Complication of simple Ideas*, if they please) but I do assert, that the *general Idea*, which relates to the *Essence* without these is so just, and true an *Idea*, that without it *the Complication of simple Ideas*, will never give us a right Notion of it.

I must do that right to the ingenious Author of *the Essay of humane Understanding*, (from whence these Notions are borrowed to serve other Purposes than he intended them) that he makes the Case of *Spiritual*, and *Corporeal Substances* to be alike, as to their *Idea's*, and *that we have as clear a Notion of a Spirit, as we have of a Body, the one being supposed to be the* Substratum *to those simple Ideas we have from without, and the other of those Operations we find within our selves. And that it is as rational to affirm, there is no Body, because we cannot know its Essence, as 'tis called, or have no Idea of the Substance of Matter; as to say, there is no Spirit, because we know not its Essence, or have no Idea of a Spiritual Substance.* Chap. 23. sect. 5.

From hence it follows, That we may be certain, that there are both *Spiritual and Bodily Substances*, although we can have *no clear and distinct Ideas of them*. But, if our Reason depend upon our *clear and distinct Idea's*, how is this possible? We cannot reason without *clear Idea's*, and yet we may be certain without them: Can we be certain without Reason? Or doth our Reason give us true Notions of things, without these *Idea's?* If it be so, this new *Hypothesis* about Reason must appear to be very unreasonable.

Let us suppose this Principle to be true, *That the simple Ideas* by Sensation or Reflexion, *are the sole Matter and Foundation of all our Reasoning*: I ask then, how we come to be certain that there are *Spiritual Substances* in the World, since we can have no *clear and distinct Ideas* concerning them? Can we be certain without *any Foundation of Reason?* This is a new sort of Certainty, for which we do not envy these Pretenders to *Reason*. But methinks they should not at the same time assert the absolute necessity of these *Ideas* to our Knowledge, and declare that we may have certain Knowledge without them. If there be any other method, they overthrow their own Principle; if there be none, how come they to any Certainty, that there are both *Bodily* and *Spiritual Substances?*

As to these latter (which is my business) I must enquire farther, how they come to know that there are such. The Answer *is by self-reflection on those Powers we find in our selves, which cannot come from a mere Bodily Substance.* I allow the Reason to be very good, but the Question I ask is, Whether this Argument be from the *clear and distinct Idea* or not? *We have Ideas in our selves of the several Operations of our Minds of Knowing, Willing, Considering,* &c. *which cannot come from a Bodily Substance.* Very true; but is all this contained in the *simple Idea* of these *Operations?* How can that be, when the same Persons say, that notwithstanding their *Ideas* it is possible *for Matter to Think.* For it is said, *That we have the Ideas of Matter and Thinking, but possibly shall never be able to know, whether any mere material Being thinks or not; it being impossible for us by the Contemplation of our own Ideas, without Revelation to discover whether Omnipotency hath not given to some Systems of Matter, fitly disposed, a Power to perceive or think.* If this be true, then for all that we can know by our Ideas of *Matter* and *Thinking*, Matter may have a Power of Thinking: and if this hold, then it is impossible to prove a Spiritual Substance in us, from *the Idea of Thinking:* For how can we be assured by our *Ideas*, That God hath not given such a Power of Thinking, to Matter so disposed as our Bodies are? Especially since it is said, *Humane Understand.* l. 4. ch. 3. Sect. 6. 2d. Ed. p. 310.

ſaid, *That in reſpect of our Notions, it is not much more remote from our Comprehenſion to conceive, that God can, if he pleaſes, ſuperadd to our Idea of Matter a Faculty of Thinking, than that he ſhould ſuper-add to it another Subſtance, with a Faculty of Thinking.* Whoever aſſerts this, can never prove *a Spiritual Subſtance* in us, from a *Faculty of Thinking*; becauſe he cannot know from *the Idea of Matter and Thinking*, that Matter ſo diſpoſed cannot Think. And he cannot be certain that God hath not framed the Matter of our Bodies, ſo as to be capable of it.

Book IV. *Chap.* 10. *ſect.* 5. It is ſaid indeed elſewhere, *That it is repugnant to the Idea of ſenſleſs Matter, that it ſhould put into it ſelf Senſe, Perception and Knowledge:* But this doth not reach the preſent Caſe; which is not *what Matter can do of it ſelf*, but what Matter prepared by an Omnipotent Hand can do. And what certainty can we have that he hath not done it? We can have none *from the Ideas*; for thoſe are given up in this Caſe; and conſequently, we can have no certainty upon theſe Principles, whether we have any *ſpiritual Subſtance* within us or not.

Book II. *Chap.* 23. *ſect.* 15. But we are told, *That from the Operations of our Minds, we are able to frame the Complex Idea of a Spirit.* How can that be, when we cannot from thoſe *Ideas* be aſſured, but that thoſe Operations may come from a *material Subſtance.* If we frame an *Idea* on ſuch Grounds, it is at moſt but a *poſſible Idea*; for it may be otherwiſe; and we can have no aſſurance *from our Ideas*, that it is not: So that the moſt Men may come to in this way of *Idea's* is, That it is poſſible it may be ſo, and it is poſſible it may not; but that it is impoſſible for us *from our Ideas*, to determine either way. And is not this an admirable way to bring us to a certainty of Reaſon?

I am very glad to find the Idea of a *ſpiritual Subſtance* made as conſiſtent, and intelligible, as that of a *Corporeal*; *for as the one conſiſts of a* Coheſion *of ſolid Parts, and the Power of communicating Motion by impulſe, ſo the other conſiſts in a Power of Thinking, and Willing, and moving the Body*; *and that the* Coheſion *of ſolid Parts, is as hard to be conceived as Thinking*; *and we are as* Sect. 27. *much in the dark about the Power of communicating Motion by impulſe, as in the Power of exciting Motion by thought. We have by daily experience clear Evi-* Sect. 28. *dence of Motion produced, both by Impulſe and by Thought*; *but the manner how, hardly comes within our Comprehenſion*; *we are equally at a loſs in both.*

From whence it follows, That we may be certain of the Being of a *ſpiritual Subſtance*, although we have *no clear and diſtinct Idea* of it, nor are *able to comprehend the manner of its Operations:* And therefore it is a vain thing in any to pretend, that all our Reaſon and Certainty is founded on clear and diſtinct *Ideas*; and that they have Reaſon to reject any Doctrine which relates to *ſpiritual Subſtances*, becauſe they cannot comprehend the manner of it. For the ſame thing is confeſſed by the moſt inquiſitive Men, about the manner of Operation, both in *material*, and *immaterial Subſtances.* It is af- Sect. 31. firmed, That *the very Notion of Body*, implies, *ſomething very hard, if not impoſſible to be explained, or underſtood by us*; *and that the natural Conſequence of it*; viz. *Diviſibility involves us in Difficulties impoſſible to be explicated, or made conſiſtent. That we have but ſome few ſuperficial Ideas of things*; *that we* Sect. 32. *are deſtitute of Faculties, to attain to the true Nature of them? and that when we do that, we fall preſently into Darkneſs, and Obſcurity*; *and can diſcover nothing farther, but our own Blindneſs and Ignorance.*

These are very fair and ingenuous Confeſſions of the ſhortneſs of humane Underſtanding, with reſpect to the Nature and Manner of ſuch things, which we are moſt certain of the Being of, by conſtant and undoubted Experience. I appeal now to the Reaſon of Mankind, whether it can be any reaſonable Foundation for rejecting a Doctrine propoſed to us, as of Divine Revelation,

tion, becauſe we cannot comprehend the manner of it; eſpecially, when it relates to the Divine Eſſence. For as the ſame Author obſerves, *Our Idea of God is framed from the Complex Ideas of thoſe Perfections we find in our ſelves, but enlarging them ſo, as to make them ſuitable to an infinite Being, as Knowledge, Power, Duration,* &c. And *the Degrees or Extent of theſe which we aſcribe to the Soveraign Being, are all boundleſs and infinite. For it is Infinity, which joyned to our Ideas of Exiſtence, Power, Knowledge,* &c. *makes that Complex Idea, whereby we repreſent to our ſelves the beſt we can, the Supreme Being.* Sect. 33, 34, 35. Sect. 36.

Now when our Knowledge of groſs material Subſtances is ſo dark; when the Notion of Spiritual Subſtances is above all Ideas of Senſation; when the higher any Subſtance is, the more remote from our Knowledge; but eſpecially when the very *Idea* of a Supreme Being implies its being Infinite, and Incomprehenſible; I know not whether it argues more Stupidity, or Arrogance, to expoſe a Doctrine relating to the Divine Eſſence, becauſe they cannot comprehend the manner of it. But of this more afterwards. I am yet upon the Certainty of our *Reaſon*, from clear and diſtinct *Ideas*; and if we can attain to Certainty without them, and where it is confeſſed we cannot have them; as about *Subſtances*; then theſe cannot be *the ſole Matter and Foundation of our Reaſoning*, which is ſo peremptorily aſſerted by this late Author.

But I go yet farther; and as I have already ſhew'd, we can have no certainty of an *immaterial Subſtance* within us, from theſe *ſimple Ideas*; ſo I ſhall now ſhew, that there can be no ſufficient Evidence, brought from them by their own Confeſſion, concerning the *Exiſtence of the moſt ſpiritual and infinite Subſtance, even God himſelf.*

We are told, *That the Evidence of it is equal to Mathematical Certainty*; and very good Arguments are brought to prove it, in a Chapter on purpoſe: but that which I take notice of is, that the Argument from *the clear and diſtinct Idea of God* is paſſed over. How can this be conſiſtent with deducing our *Certainty of Knowledge* from *clear and ſimple Ideas?* I do not go about to juſtifie thoſe, *who lay the whole ſtreſs upon that Foundation*; which I grant to be too weak to ſupport ſo important a Truth; and that thoſe are very much to blame, who *go about to invalidate other Arguments for the ſake of that*; but I doubt all this talk about *clear and diſtinct Ideas, being made the Foundation of Certainty*, came Originally from thoſe Diſcourſes, or *Meditations*, which are aimed at. The Author of them was an Ingenious, Thinking Man, and he endeavour'd to lay the Foundations of Certainty, as well as he could. The firſt thing he found any Certainty in, was his own Exiſtence; which he founded upon the Perception of the Acts of his Mind, which ſome call *an internal, infallible Perception that we are.* From hence he proceeded, to enquire, how he came by this Certainty, and he reſolved it into this, that he had a clear and diſtinct Perception of it; and from hence he formed his general Rule, *That what he had a clear and diſtinct Perception of was true.* Which in Reaſon ought to go no farther, than where there is the like Degree of Evidence: for the *Certainty* here, was not grounded on the clearneſs of the *Perception*, but on the Plainneſs of the Evidence, which is of that Nature, that the very *Doubting* of it proves it; ſince it is impoſſible, that any thing ſhould doubt or queſtion its own Being, that had it not. So that here it is not *the clearneſs of the Idea*, but an immediate Act of Perception, which is the true ground of *Certainty.* And this cannot extend to things without our ſelves; of which we can have no other Perception, than what is cauſed by the Impreſſions of outward Objects. But whether we are to judge according to thoſe Impreſſions, doth not depend on the *Ideas* themſelves, but upon the Exerciſe of our Judgment and Reaſon about them, which put the Book IV. *Chap.* 10. *ſect.* 1.

tence between true and falſe, and adequate and inadequate Ideas. So that our Certainty is not from the *Ideas* themſelves, but from the Evidence of Reaſon, that thoſe *Ideas* are true and juſt, and conſequently that we may build our Certainty upon them.

But the *Idea* of an infinite Being hath this peculiar to it, that neceſſary Exiſtence is implied in it. This is a *clear and diſtinct Idea*, and yet it is denied, that this doth prove the Exiſtence of God. How then can the Grounds of our Certainty ariſe from *clear and diſtinct Ideas*, when in one of the cleareſt Ideas of our Minds we can come to no Certainty by it? I do not ſay, That it is *denied* to prove it; but this is ſaid, That it is a doubtful thing *from the different Make of Mens Tempers, and Application of their Thoughts.* What can this mean, unleſs it be to let us know, that even *clear and diſtinct Ideas* may loſe their Effect by the *difference of Mens Tempers and Studies*; ſo that beſides *Ideas* in order to a right Judgment, a due Temper and Application of the Mind is required.

Sect. 7.

And wherein is this different from what all Men of Underſtanding have ſaid? Why then ſhould theſe clear and *ſimple Ideas be made the ſole Foundation of Reaſon?* One would think by this, that theſe *Ideas* would preſently ſatisfy mens Minds if they attend to them. But even this will not do, as to the *Idea* of an infinite Being. It is not enough to ſay, *They will not examine how far it will hold*; for they ought either to ſay, that it doth hold, or give up this Ground of Certainty from *clear and diſtinct Ideas.*

Sect. 6.

But inſtead of the proper Argument from *Ideas*, we are told, *That from the Conſideration of our ſelves, and what we find in our own Conſtitutions, our Reaſon leads us to the Knowledge of this certain and evident Truth, that there is an eternal, moſt powerful, and moſt knowing Being.* All which I readily yield; but we ſee plainly the Certainty is not placed in the *Idea*, but in good and ſound Reaſon, *from the Conſideration of our ſelves and our Conſtitutions.* What! in the *Idea of our ſelves?* No certainly; for let our *Idea* be taken which way we pleaſe, by *Senſation* or *Reflection*, yet it is not the *Idea* that makes us certain, but the Argument from that which we perceive in and about our ſelves.

Sect. 5.

But we find in our ſelves Perception and Knowledge. It's very true; but how doth this prove that there is a God? Is it from the *clear and diſtinct Idea* of it? No; but from this Argument, *That either there muſt have been a knowing Being from Eternity, or an unknowing; for ſomething muſt have been from Eternity: but if an unknowing, then it was impoſſible there ever ſhould have been any Knowledge; it being as impoſſible that a thing without Knowledge ſhould produce it, as that a Triangle ſhould make it ſelf three Angles bigger than two right ones.* Allowing the Argument to be good, yet it is not taken from *the Idea*, but from Principles of true Reaſon, as, That no Man can doubt his own Perception; That every thing muſt have a Cauſe; That this Cauſe muſt either have Knowledge or not: if it have, the Point is gained; if it hath not, nothing can produce nothing; and conſequently, a not knowing Being cannot produce a knowing.

Sect. 10.

Again, *If we ſuppoſe nothing to be firſt, Matter can never begin to be; if bare Matter without Motion eternal, Motion can never begin to be; if Matter and Motion be ſuppoſed eternal, Thought can never begin to be. For, if Matter could produce Thought, then Thought muſt be in the power of Matter; and if it be in Matter as ſuch, it muſt be the inſeparable Property of all Matter; which is contrary to the Senſe and Experience of Mankind. If only ſome parts of Matter have a power of Thinking, how comes ſo great a difference in the Properties of the ſame Matter? What diſpoſition of Matter is required to Thinking? And from whence comes it? Of which no account can be given in Reaſon.*

This

This is the Subſtance of the Argument uſed to prove an infinite ſpiritual Being, which I am far from weakening the force of; but that which I deſign is to ſhew, That the *Certainty* of it is not placed upon any *clear and diſtinct Ideas*, but upon the force of Reaſon diſtinct from it; which was the thing I intended to prove.

2. The next thing neceſſary to be clear'd in this Diſpute is, the *Diſtinction* between *Nature* and *Perſon*, and of this we can have no *clear and diſtinct Idea* from *Senſation* or *Reflection*. And yet all our Notions of the Doctrine of the Trinity depend upon the right underſtanding of it. For we muſt talk unintelligibly about this Point, unleſs we have clear and diſtinct Apprehenſions concerning *Nature* and *Perſon*, and the grounds of *Identity* and *Diſtinction*. But that theſe come not into our Minds by theſe *ſimple Ideas* of *Senſation* and *Reflection*, I ſhall now make it appear;

1. As to *Nature*, That is ſometimes taken for the *Eſſential Property* of a thing; as when we ſay, that ſuch a thing is of a *different Nature* from another, we mean no more than that it is differenc'd by ſuch Properties as come to our Knowledge. Sometimes *Nature* is taken for the *Thing it ſelf in which thoſe Properties are*; and ſo *Ariſtotle* took *Nature* for a *Corporeal Subſtance which had the Principles of Motion in it ſelf*; but *Nature* and *Subſtance* are of an equal extent; and ſo that which is the *Subject* of *Powers* and *Properties* is the *Nature*, whether it be meant of *Bodily* or *Spiritual Subſtances*. I grant that by *Senſation* and *Reflection* we come to know the *Powers* and *Properties* of Things; but our Reaſon is ſatisfied, that there muſt be ſomething beyond theſe, becauſe it is impoſſible that they ſhould ſubſiſt by themſelves. So that the *Nature* of things properly belongs to our *Reaſon*, and not to meer *Ideas*.

But we muſt yet proceed farther. For, *Nature* may be conſider'd two ways.

1. As it is in diſtinct Individuals, as the *Nature* of a *Man* is equally in *Peter*, *James*, and *John*; and this is the *common Nature* with a particular Subſiſtence proper to each of them. For the Nature of Man, as in *Peter*, is diſtinct from that ſame Nature, as it is in *James* and *John*; otherwiſe they would be but *one Perſon*, as well as have the *ſame Nature*. And this Diſtinction of *Perſons* in them is diſcerned both by our *Senſes*, as to their different Accidents; and by our Reaſon, becauſe they have a ſeparate Exiſtence, not coming into it at once and in the ſame manner.

2. *Nature* may be conſider'd *abſtractedly*, without reſpect to individual Perſons, and then it makes an entire Notion of it ſelf. For however the ſame Nature may be in different Individuals, yet the Nature in it ſelf remains one and the ſame; which appears from this evident Reaſon, that otherwiſe every Individual muſt make a different kind.

Let us now ſee, how far theſe things can come from our *ſimple Ideas, by Reflection or Senſation*. And I ſhall lay down the *Hypotheſis* of thoſe who reſolve our *Certainty* into *Ideas*, as plainly and intelligibly as I can.

1. We are told, *That all ſimple Ideas are true and adequate. Not that they are the true Repreſentations of things without us; but that they are the true Effects of ſuch Powers in them as produce ſuch Senſations within us.* So that really we can underſtand nothing certainly by them, but the *Effects* they have upon us. *Humane Underſt.* l. 2. ch. 30, 31.

2. *All our Ideas of Subſtances are imperfect and inadequate; becauſe they refer to the real Eſſences of things, of which we are ignorant, and no Man knows what Subſtance is in it ſelf*: And, *they are all falſe, when look'd on as the Repreſentations of the unknown Eſſences of things.* *Chap.* 32. *ſect.* 18.

3. *Abſtract Ideas are only general Names, made by ſeparating Circumſtances of time and place*, &c. *from them, which are only the Inventions and Creatures of the Underſtanding.* Book 3. *Chap.* 3. *ſect.* 6.

Ib *sect.* 15. 4. *Essence may be taken two ways.* 1. *For the real, internal, unknown Constitutions of things; and in this Sense it is understood as to particular things:* 2. *For the abstract Idea; and one is said to be the Nominal, the other the Real* *sect.* 19, 20. *Essence. And the Nominal Essences only are immutable; and helps to enable Men to consider things, and to discourse of them.*

But two things are granted, which tend to clear this Matter.

1. That there is *a Real Essence*, which is the Foundation of *Powers* and *Properties*.

2. That we may *know* these *Powers* and *Properties*, although we are ignorant of the *Real Essence*.

From whence I infer,

1. That from those true and *adequate Ideas*, which we have of the *Modes* and *Properties* of Things, we have sufficient certainty of the *Real Essence* of them: For these *Ideas* are allow'd to be true; and either by them we may judge of the truth of things, or we can make no Judgment at all of any thing without our selves.

If our *Ideas* be only the Effects we feel of the Powers of things without us; yet our Reason must be satisfied, that there could be no such Powers, unless there were some real Beings which had them. So that either we may be certain by those Effects of the real Being of things; or it is not possible, as we are framed, to have any certainty at all of any thing without our selves.

2. That from the *Powers* and *Properties* of things which are knowable by us, we may know as much of the internal *Essence* of Things, as those *Powers* and *Properties* discover. I do not say, That we can know all Essences of things alike, nor that we can attain to a perfect understanding of all that belong to them; but if we can know so much, as that there are *certain Beings* in the World, endued with such *distinct Powers* and *Properties*, what is it we complain of the want of, in order to our Certainty of Things? *But we do not see the bare Essence of things.* What is that *bare Essence* without the *Powers* and *Properties* belonging to it? It is *that internal Constitution of things from whence those Powers and Properties flow.* Suppose we be ignorant of this (as we are like to be, for any Discoveries that have been yet made) that is a good Argument to prove the uncertainty of Philosophical Speculations about the *Real Essences* of things; but it is no prejudice to us who enquire after the *Certainty* of such *Essences*. For although we cannot comprehend the *internal Frame* or *Constitution* of things, nor in what manner they do flow from the Substance; yet by them we certainly know that there are such *Essences*, and that they are distinguished from each other by their *Powers* and *Properties*.

3. The *Essences* of things, as they are *knowable* by us, have a *Reality* in them; for they are founded on the *natural Constitution* of things. And however the *abstract Ideas* are the work of the Mind, yet they are not meer Creatures of the Mind; as appears by an Instance produced of the *Essence of the Sun, being in one single Individual*; in which Case it is granted, *That the Idea may be so abstracted, that more Suns might agree in it, and it is as much a sort as if there were as many Suns as there are Stars.* So that here we have a *Real Essence* subsistly in one *Individual*, but capable of being multiplied into more, and the same Essence remaining. But in this *one Sun* there is a *Real Essence*, and not a meer *Nominal* or *abstracted Essence*; but suppose there were more Suns, would not each of them have the *Real Essence* of the Sun? For what is it makes the second Sun to be a true Sun, but having the same *Real Essence* with the first? If it were but a *Nominal Essence*, then the second would have nothing but the *Name*.

Book 3. *Chap.* 6. *Sect.* 1.

Therefore there must be a *Real Essence* in every individual of the same kind; for that alone is it which makes it to be what it is. *Peter*, and

James,

James, and *John* are all true and real Men; but what is it which makes them so? Is it the attributing a *general Name* to them? No certainly, but that the true and *Real Essence* of a Man is in every one of them. And we must be as certain of this, as we are that they are Men: They take their Denomination of being Men from that common Nature, or Essence which is in them.

4. That the *general Idea* is not made from the simple *Ideas* by the meer Act of the Mind abstracting from Circumstances, but from *Reason* and Consideration of the true Nature of things. For when we see so many *Individuals*, that have the same *Powers* and *Properties*, we thence infer, that there must be something common to all, which makes them of *one kind*; and if the difference of Kinds be real, that which makes them of one kind and not of another, must not be a *Nominal* but *Real Essence*. And this difference doth not depend upon the *complex Ideas of Substance*, whereby Men arbitrarily join Modes together in their Minds; for let them mistake in the *Complication of their Ideas*, either in leaving out or putting in what doth not belong to them; and let their Ideas be what they please, the *real Essence* of a Man, and a Horse, and a Tree, are just what they were; and let their *Nominal Essences* differ never so much, the *real common Essence* or *Nature* of the several Kinds are not at all alter'd by them.

And these *real Essences* are *unchangeable*; for however there may happen some variety in Individuals, by particular Accidents, yet the Essences of Men, and Horses, and Trees, remain always the same; because they do not depend on the *Ideas* of Men, but on the Will of the Creator, who hath made several sorts of Beings.

2. Let us now come to the *Idea* of a *Person*; for although the *common Nature* in Mankind be the same, yet we see a difference in the several Individuals from one another. So that *Peter*, *James*, and *John*, are all of the same kind; yet *Peter* is not *James*, and *James* is not *John*. But what is this distinction founded upon? They may be distinguished from each other by our Senses, as to difference of Features, distance of Place, *&c.* but that is not all; for supposing there were no such external difference, yet there is a difference between them, as several Individuals in the same common Nature. And here lies the true *Idea* of a Person, which arises from that *manner of Subsistence* which is in one Individual, and is not communicable to another. An *individual*, *intelligent Substance* is rather supposed to the making of a *Person*, than the proper *Definition* of it; for a *Person* relates to something which doth distinguish it from another *intelligent Substance* in the *same Nature*; and therefore the Foundation of it lies in the peculiar manner of Subsistence, which agrees to one, and to none else of the kind; and this is it which is called *Personality*.

But how do our *simple Ideas* help us out in this Matter? Can we learn from them the difference of *Nature* and *Person*? We may understand the difference between *abstracted Ideas*, and particular Beings, by the Impressions of outward Objects; and we may find an *Intelligent Substance* in our selves by inward Perception, but whether that make a *Person* or not, must be understood some other way; for if the meer intelligent Substance makes a Person, then there cannot be the Union of two Natures, but there must be two Persons.

Therefore a *Person* is a compleat intelligent Substance, with a peculiar manner of Subsistence; so that if it be a part of another Substance, it is no Person: And on this Account the Soul is no Person, because it makes up an entire Being by its Union with the Body.

But when we speak of finite *Substances* and *Persons*, we are certain that distinct Persons do imply distinct Substances, because they have a distinct and separate Existence; but this will not hold in an infinite Substance where

neceſſary Exiſtence doth belong to the *Idea* of it. And although the Argument from the *Idea of God*, may not be ſufficient of it ſelf to prove his Being; yet it will hold as to the excluding any thing from him, which is inconſiſtent with *neceſſary Exiſtence*; therefore, if we ſuppoſe a Diſtinction of *Perſons* in the ſame *Divine Nature*, it muſt be in a way agreeable to the infinite Perfections of it. And no objection can be taken from the *Idea of God*, to overthrow a *Trinity* of *Co-exiſting Perſons* in the *ſame Divine Eſſence*. For *neceſſary Exiſtence* doth imply a *Co-exiſtence* of the Divine Perſons; and the Unity of the Divine Eſſence, that there cannot be ſuch a difference of *individual Subſtances*, as there is among Mankind. But theſe things are ſaid to be *above our Reaſon*, if not contrary to it; and even ſuch are ſaid to be repugnant to our Religion.

2. That therefore is the next thing to be carefully examin'd, whether *Myſteries of Faith*, or Matters of Revelation *above our Reaſon*, are to be rejected by us. And a thing is ſaid to be *above our Reaſon*, when we can have *no clear and diſtinct Idea* of it in our Minds: And, *that if we have no Ideas of a thing, it is certainly but loſt labour for us to trouble our ſelves about it*; and that, *if ſuch Doctrines be propoſed which we cannot underſtand, we muſt have new Powers, and Organs for the Perception of them.*

Chriſtianity not Myſt. p. 28.

We are far from defending *Contradictions* to our *natural Notions* (of which I have ſpoken already) but that which we are now upon is, whether any Doctrine may be rejected, when it is offer'd as a Matter of Faith upon this account, that it is above our Comprehenſion, or that we can have no *clear Idea of it in our Minds*. And this late Author hath undertaken to prove, *That there is nothing ſo Myſterious, or above Reaſon in the Goſpel.*

P. 67. *To be above Reaſon*, he ſaith, *may be underſtood two ways.* 1. *For a thing intelligible in it ſelf, but cover'd with figurative and myſtical Words.* 2. *For a thing in its own Nature unconceivable, and not to be judged of by our Faculties, tho' it be never ſo clearly revealed. This in either Senſe is the ſame with Myſtery.* And from thence he takes occaſion to ſhew his Learning about the *Gentile Myſteries*, and *Eccleſiaſtical Myſteries*, which might have been ſpared in this Debate, but only for the Parallel aimed at between them, as to *Prieſt-craft* and *Myſteries*; without which a Work of this nature would want its due reliſh with his good *Chriſtian Readers*. Others we ſee have their *Myſteries* too; but the comfort is, that they are ſo eaſily underſtood, and ſeen through; as when the *Heathen Myſteries*, are ſaid, *to have been inſtituted at firſt in Commemoration of ſome remarkable Accidents, or to the Honour of ſome great*

P. 71. *Perſons that obliged the World by their Vertues and uſeful Inventions to pay them ſuch Acknowledgments.* He muſt be very dull that doth not underſtand the meaning of this; and yet this Man pretends to vindicate *Chriſtianity* from being *Myſterious.*

P. 73. *But there are ſome*, he ſaith, *that being ſtrongly inclined out of Ignorance, or Paſſion, to maintain what was firſt introduced by the Craft or Superſtition of their Fore-fathers, will have ſome* Chriſtian Doctrines *to be ſtill* Myſteries *in the ſecond Senſe of the Word; that is, unconceiveable in themſelves, however clearly revealed.* I hope there are ſtill *ſome*, who are ſo throughly perſwaded of the Chriſtian Doctrine, that they dare own and defend it, notwithſtanding all the Flouts and Taunts of a ſort of Men, whoſe Learning and Reaſon lies moſt in expoſing *Prieſt-craft*, and *Myſteries*. Suppoſe there are ſuch ſtill in the World, who own their Aſſent to ſome Doctrines of Faith, which they confeſs to be above their Comprehenſion, what mighty Reaſon, and invincible Demonſtration is brought againſt them? He pretends *to Demonſtrate*; but what I pray? The Point in hand? No. But he will *Demonſtrate* ſomething inſtead of it? What is that? Why truly, *That in the New Teſtament Myſtery is always uſed in the firſt Sence of the Word.* And what then? Doth it therefore follow, that there are no Doctrines in the Goſpel above the reach

reach and comprehenſion of our Reaſon? But how doth it appear, that the Word *Myſtery* is always uſed in that Senſe? When St. *Paul* ſaith in his firſt *Epiſtle* to *Timothy*, Chap. 3 v. 9. *That the Deacons muſt hold the Myſtery of Faith in a pure Conſcience*; doth he not mean thereby the ſame *with the form of ſound Words*, which *Timothy* had heard of him, 2 *Tim.* 1. 13. And are not all the main Articles of the Chriſtian Faith comprehended under it? Eſpecially that whereinto they were Baptized, *in the Name of the Father, Son, and Holy Ghoſt*: and if the Doctrine of the Trinity were underſtood by this *Form*, as I have already proved, then this muſt be a part of the *Myſtery of Faith*. And in the ſame Chapter, v. 16. He makes *God manifeſt in the fleſh*, the firſt part of the *Myſtery of Godlineſs*. If it extends to all the other things, doth it exclude this, which is the firſt mention'd? (And that our Copies are true, is already made to appear.) There is no reaſon therefore to quarrel with our Uſe of the Word *Myſtery* in this Senſe; but the Debate doth not depend upon the Word, but upon the Senſe of it.

And therefore I paſs over all that relates to the bare uſe of the Word, as not coming up to the main Point; which is, Whether any Point of Doctrine, which contains in it ſomething above our Comprehenſion can be made a Matter of Faith?

For our Author concludes from his Obſervations, *That Faith is ſo far from being an implicit Aſſent to any thing above Reaſon, that this Notion directly contradicts the end of Religion, the Nature of Man, and the Goodneſs and Wiſdom of God.* P. 145.

But we muſt not be frighted with this bold *Concluſion*, till we have examin'd his *Premiſes*; and then we ſhall find, that ſome *who are* not *great Readers, are no deep Reaſoners.* The firſt thing he premiſes is, *That nothing can be ſaid to be a Myſtery, becauſe we have not an adequate Idea of it, or a diſtinct View of all its Properties at once, for then every thing would be a Myſtery.* What is the meaning of this, but that we cannot have an *adequate Idea* of any thing? And yet all our Reaſon depends upon our *Ideas* according to him, and our *clear and diſtinct Ideas are by him made the ſole Foundation of Reaſon.* All our *ſimple Ideas* are ſaid to be *adequate*, becauſe they are ſaid to be only *the Effects of Powers in things which produce Senſations in us.* But this doth not prove them *adequate* as to *the things*, but only as to our *Perceptions.* But as to *Subſtances* we are told, *That all our Ideas of them are inadequate.* So that the ſhort of this is, that we have no true Knowledge or Comprehenſion of any thing; but we may underſtand Matters of Faith, as well as we underſtand any thing elſe, for in Truth we underſtand nothing. Is not this a method of *true Reaſoning* to make us reject Doctrines of Faith, becauſe we do not comprehend them, and at the ſame time to ſay, we *comprehend nothing?* For I appeal to the common Senſe of Mankind, whether we can be ſaid to *Comprehend* that, which we can have no *adequate Idea* of? But he appeals to the Learned; for he ſaith, *That to Comprehend in all correct Authors is nothing elſe but to know.* But what is it *to know?* Is it not to have *adequate Ideas* of the things we know? How then can we know, that of which we can have no *adequate Idea?* For if our Knowledge be limited to our *Ideas*, our Knowledge muſt be imperfect and inadequate where our *Ideas* are ſo. P. 75.

But let us lay theſe things together. Whatever we can have no *adequate Idea* of is *above our Knowledge*, and conſequently *above our Reaſon*; and ſo all *Subſtances* are *above our Reaſon*; and yet he ſaith, with great Confidence, *That to Aſſent to any thing, above Reaſon, deſtroys Religion, and the Nature of Man, and the Wiſdom and Goodneſs of God.* How is it poſſible for the ſame Man to ſay this, and to ſay withal, that it is very conſiſtent with the *Nature of Man, and the Goodneſs and Wiſdom of God* to leave us without *adequate Ideas* of any *Subſtance?* How come the *Myſteries of Faith* to require more *Knowledge* than

than the *Nature of Man* is capable of? In natural things we can have no *adequate Ideas*; but the things are confeſſed to be *above our Reaſon*; but in Divine and Spiritual things, to *aſſent to things above our Reaſon is againſt the Nature of Man.*

How can theſe things conſiſt?

But theſe are not Myſteries. Yes, whatever is of that Nature that we can have no *Idea* of it, is certainly a *Myſtery* to us. For what is more unknown than it is known is a *Myſtery.* The true Notion of a *Myſtery* being ſomething that is hidden from our Knowledge. Of which there may be ſeveral Kinds. For a *Myſtery* may be taken for

1. Something kept ſecret, but fully underſtood as ſoon as it is diſcover'd; thus *Tully* in his *Epiſtles* ſpeaks of *Myſteries* which he had to tell his Friend, but he would not let his *Amanuenſis* know; no doubt ſuch things might be very well underſtood as ſoon as diſcover'd.

Ad. Artic. 4. 87. ed. R. S.

2. Something kept from common Knowledge, although there might be great Difficulties about them when diſcover'd. Thus *Tully* ſpeaks of *Myſteries* among the Philoſophers, particularly among the *Academicks*, who kept up their Doctrine of the *Criterion* as a Secret, which, when it was known had many Difficulties about it.

Acad. 4. 18.

3. Something that Perſons were not admitted to know, but with great Preparation for it. Such were the *Athenian Myſteries* which *Tully* mentions with Reſpect, although they deſerved it not; but becauſe they were not Communicated to any but with Difficulty, they were called *Myſteries.* And this is ſo obvious a piece of Learning, that no *great Reading*, or *deep Reaſoning* is required about it. Only it may be obſerved, that the word μύειν is oppoſed to ἐποπτεύειν, and ſo the *Myſteries* related to thoſe who were *initiated* and not made *Epoptæ*; *i. e.* to thoſe who did not throughly underſtand them, although they had more knowledge of them than ſuch as were not *initiated. Olympiodorus*, in reckoning up the *Degrees* of Admiſſions, mentions the μυήσεις before ἐποπτείαι. So that they were properly *Myſteries* to ſuch, who knew ſomething; though there were other things farther to be diſcover'd, but they did not yet know what they were, as the *Epoptæ* did.

De Leg. l. 2. c. 14.

From hence the ancient Chriſtian Writers did not only call the *Sacraments*, but more abſtruſe Points of Faith by the name of *Myſteries*; ſo St. *Chryſoſtom* calls the *Reſurrection*, *a great and ineffable Myſtery.* And *Iſidore Peluſiota* in his Epiſtle to *Lampetius* ſaith, *That St.* Paul, *when he ſpeaks of the great Myſtery of Godlineſs, doth not mean that it is wholly unknown to us, but that it is impoſſible to comprehend it. Theophylact* ſaith, it is therefore called *the great Myſtery of Godlineſs; becauſe although it be now revealed to all, yet the manner of it is hidden from us*, διὰ τοῦτο Μυστήριον ἐστι *for this reaſon it is called a Myſtery.*

Chryſ. Hom. de Reſurrect. Iſidor. Peluſ. l. 2. Ep. 192.

But this is in the way of *Reading*, let us now come to deep *Reaſoning*; and ſee how ſtrongly he argues againſt this Senſe of the Word *Myſteries*: his Words are theſe, *They trifle then exceedingly, and diſcover a mighty ſcarcity of better Arguments, who defend their Myſteries, by this pitiful ſhift of drawing Inferences from what is unknown to what is known, or of inſiſting upon adequate Ideas; except they will agree as ſome do, to call every ſpire of Graſs, ſitting and ſtanding, fiſh and fleſh to be Myſteries. And if out of a pertinacious or worſe humour, they will be ſtill fooling, and call theſe things Myſteries, I'm willing to admit as many as they pleaſe in Religion, if they will allow me likewiſe to make mine as intelligible to others, as theſe are to me.*

Chriſtianity not Myſt. p. 80, 81.

It is eaſie to gueſs whom theſe kind Words were intended for: And are not theſe very modeſt and civil Expreſſions? *Trifling, Fooling; out of a pertinacious, or worſe Humour*; but why, *Fooling about Myſteries*, to call ſuch things by that Name, which are in ſome meaſure known, but in a greater meaſure unknown to us? and if theſe are real Myſteries in Nature, why may not the ſame term be uſed for Matters of Faith?

And

And I think in so plain a Case, no great store of Arguments need to be used. But *in these natural things*, he saith, *we have distinct Ideas of the Properties which make the Nominal Essence, but we are absolutely ignorant of the Real Essence, or intrinsick Constitution of a thing, which is the ground or support of all its Properties.* Are not then (without *Trifling and Fooling*) these Real Essences *Mysteries* to them? They know there are such by the *Ideas* of their Properties, but know nothing of their *Real Essence*; and yet they will not allow them to be *Mysteries?* If they do understand them, why do they say, *They do not, nor cannot?* And if this be true, let them call them what they please, they must be inexplicable *Mysteries* to them. So that all this is mere quarrelling about a Word, which they would fain be rid of, if they knew how; but they involve and perplex themselves more by their own *deep Reasonings* against the *Trifling* and *Fooling* of others. P. 84.

But he saith, *That some would have the most palpable absurdities and gross Contradictions to go down, or words that signifie nothing, because men cannot comprehend the Essence of their own Souls, nor the Essence of God, and other Spiritual Substances.* We utterly deny, that any Article of our Faith contains in it any *palpable Absurdities*, or *gross Contradictions* (as I hope hath been proved already as to the Doctrine of the Trinity which is chiefly struck at) but surely your *deep Reasoners* may find a difference between *gross Contradictions to our Reason*, and barely *being above it*, or not having any *distinct Conception* of the Nature of it. And that is all that we assert, and which they grant as to all *Substances.*

If this be their way of arguing, they may even return to *Transubstantiation* again, without any great lessening of their Understandings. But none are so bold in attacking the *Mysteries of the Christian Faith*; as the Smatterers in *Ideas*, and new Terms of Philosophy, without any true Understanding of them. For these *Ideas* are become but another sort of Canting with such Men; and they would reason as well upon *Genus* and *Species*, or upon *Occult Qualities*, and *Substantial Forms*, but only that they are *Terms* out of *Fashion.*

But we find that the change of Terms doth neither improve nor alter Mens Understandings; but only their Ways of Speaking; and ill Gamesters will not manage their Game one jot the better, for having *new Cards* in their hands. However we must see what Work they make of it.

Although we do not know the Nature of the Soul, yet we know as much of it, as we do of any thing else, if not more, i. e. we really know nothing by any *adequate Idea* of it, but we must believe nothing, but what we have a *clear distinct Idea* of. Is not this a rare way of fixing the *Boundaries of Faith and Reason*; *As to God and his Attributes*, it is said. *That they are not Mysteries to us for want of an adequate Idea*; *no not Eternity.* And in another place, *As to God, we comprehend nothing better than his Attributes.* P. 86. P. 81. P. 88.

Let us try this, by the *Attribute* pitched on by himself; *viz. Eternity.* We see he pretends to comprehend nothing better than the *Divine Attributes*; and *Eternity* as well as any; (which I am very apt to believe) but how doth he *Comprehend Eternity?* Even by finding, *That it cannot be Comprehended.* Is not this Subtle and *deep Reasoning?* But *Reason* he saith, *performs its part in finding out the true Nature of Things*; and if such be the *Nature of the Thing*, that it *cannot be Comprehended*, then Reason can do no more, and so it is not *above Reason.* Was there ever such *Trifling* that pretended to Reason; and that about the highest Matters, and with Scorn and Contempt of others whom he calls *Mysterious Wits?* The Question is, whether any thing ought to be rejected as an Article of Faith, because we cannot comprehend it, or have a clear and distinct Perception of it: He concludes it must be so, or else *we overthrow Religion, and the Nature of Man, and the Wisdom and Goodness of God.* Here is an Essential Attribute of God, *viz.* his Eternity. Am I bound to believe it or not? Yes, doubtless. But how can I comprehend this Attribute of Eternity? *Very easily.* How so? *Do not you* P. 82.

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comprehend that it is incomprehenſible? What then? Doth this reach the Nature of the thing, or only the manner of our Conception? *If the Nature of the thing be, that it cannot be comprehended, then you rightly underſtand the Nature of the thing, and ſo it is not above your Reaſon.* Let the Caſe be now put to the *Trinity*; do you believe the Doctrine of it, as of Divine Revelation? No, *God hath given me the Nature and Faculties of a Man; and I can believe nothing, which I cannot have a diſtinct and clear Idea of, otherwiſe I muſt have new Faculties.* Will you hold to this Principle? Then you muſt believe nothing, which you cannot have a clear and diſtinct *Idea* of. Very true. But can you have a clear and diſtinct Idea of what you cannot comprehend? *A clear Idea is that whereof the mind hath a full and evident Perception. A diſtinct Idea is that whereby the Mind perceives the difference of it from all others.* Is this right? Yes. But can you have a full and evident Perception of a thing, ſo as to difference it from all others, when you grant it to be *incomprehenſible?* If you have a *full Perception* of it, you comprehend its Nature, and eſpecially if you can *difference* it from all other things; but when you ſay, *its Nature is incomprehenſible*, and yet *believe it*, you muſt deny it to be neceſſary to Faith, to have *a clear and diſtinct Idea* of the thing propoſed. And if it be repugnant to your Faculties to reject the *Trinity*, becauſe you cannot have a *clear and diſtinct Idea* of it; for the ſame Reaſon you muſt unavoidably reject his *Eternity*, and all other Attributes which have *Infinity* joined with them.

P. 83. But we muſt ſtop here, becauſe this admirable Undertaker hath ſaid, *That he deſpairs not of rendring Eternity and Infinity as little myſterious, as that three and two make five.* And till then I take my leave of him.

And ſo I return to our profeſſed *Unitarians*, who in anſwer to my Sermon fell upon the ſame Subject; and it is neceſſary that I conſider ſo much as tends to the clearing of it. In my Sermon I had urged this Argument to prove, that we may be bound to believe ſome things that are incomprehenſible to us, becauſe the Divine Nature and Attributes are acknowledged to be; and I had ſaid,

(1.) That there is no greater Difficulty in the Conception of the Trinity and Incarnation, than there is of *Eternity*. Not but that there is great Reaſon to believe it; but from hence it appears, that our Reaſon may oblige us to believe ſome things, which it is not poſſible for us to comprehend.

And what ſay our *Unitarians* to this?

They charge my *Notion of Eternity* (as they call it) with a *Contradiction*.

The beſt way of proceeding will be to ſet down my own Words, which

Anſwer to Serm. p. 5. are theſe. " We know that either God muſt have been for ever, or it is " impoſſible he ever ſhould be; for if he ſhould come into being when he " was not, he muſt have ſome Cauſe of his Being, and that which was " the firſt Cauſe would be God. But if he was for ever, he muſt be from " himſelf; and what Notion or Conception can we have in our Minds " concerning it?

To this ſay they, *To ſay a Perſon or thing is from it ſelf, is a Contradiction; it implies this Contradiction, it was before it was. And they are ſorry an Eternal God muſt be a Contradiction.* What a falſe and ſpiteful Inference is this?

But it had look'd like very *deep Reaſoning*, if I had ſaid, *That God was the Cauſe of himſelf*; for that would have implied the Contradiction he had charged it with: but I had expreſly excluded his being *from any Cauſe*; and the thing I urged was only the Impoſſibility of our having a clear and diſtinct Conception of *Eternity*. For if he could have *no Cauſe*, what could we think of his being Eternal? *If to be from himſelf as a Cauſe*, be unconceivable, (as I grant it is) then it proves what I deſigned, that we cannot have any diſtinct Idea of *Eternity*. But *to be from himſelf*, in the Senſe generally underſtood, is a meer *Negative Expreſſion*; for no Men were ſuch

Fools

Fools to imagine any thing could be before it ſelf; and in this Senſe only Learned Men have told us, that it is to be underſtood by thoſe *ancient and modern Writers*, who have uſed that Expreſſion; as when St. *Jerom* ſaith, That *God is ſelf-originated*; and St. *Auguſtin*, *that God is the Cauſe of his own Wiſdom*; and *Lactantius*, *that God made himſelf.* All theſe, and ſuch like Expreſſions, are only to be negatively underſtood. Poſſevin. *Appar. in* Genebrard.

But I confeſs I aimed at ſhewing, that it was impoſſible for us to have any *clear and diſtinct Idea* of *Eternity*; and therefore I took in all poſſible ways of conceiving it, either by God's being from himſelf, or his Co-exiſting with all differences of Time, without any ſucceſſion in his own Being, or his having a ſucceſſive Duration. From all which I argued the Impoſſibility of a clear Notion of Eternity. And now what do theſe Men do? They diſpute againſt one of theſe Notions, and very triumphantly expoſe, as they think, the *Abſurdities* of it. And what then? *Why then this Notion will not do.* But I ſay none will do.

I prove there can be no ſucceſſive Duration in a Being of neceſſary Exiſtence; and that it is not to be conceived, how without Succeſſion God ſhould be preſent with the Being and not Being, the Promiſe and Performance of the ſame thing; and yet one of theſe ways we muſt make uſe of. From whence I concluded, That all we can attain to is a full Satisfaction of our Reaſon concerning God's Eternity, although we can form no diſtinct Conception of it in our Minds. But when theſe Men, inſtead of anſwering the Argument from all the Notions of Eternity, only diſpute againſt one Notion of it, they apparently ſhew the weakneſs of their Cauſe, if it will bear no other Defences but ſuch as this. For I take it, that the main Debate in point of Reaſon depends upon this, whether we can be certain of the Being of a Thing, of which we can have no *clear and diſtinct Idea?* If we may, then it can be no Objection in point of Revelation, that we can have no *clear and diſtinct Idea* of the Matter revealed; ſince there can be no Reaſon to tie us up ſtricter in Point of Revelation than we are without it. If we can be certain in Reaſon of many things we can have no ſuch *Ideas* of, what imaginable Reaſon can there be, that a point of Faith ſhould be rejected on that account?

2. I urged another Attribute of God, *viz.* his *Spirituality*, for the ſame Reaſon; *viz.* that we are ſatisfied in point of Reaſon that God muſt be a Spirit, and yet we cannot have a clear diſtinct poſitive Notion of a Spirit.

And what Anſwer do they give to this? As wiſe as the former. Why truly, *I had no cauſe to object this againſt them, becauſe they own the Spirituality of God's Nature, and none ſince* Biddle *have denied it.* P. 6.

Very well! but doth my Argument proceed upon that, or upon the not having *a diſtinct and clear Idea* of a *Spirit?* It was hardly poſſible for Men ſo to miſtake my meaning, unleſs they did it becauſe they had no other Anſwer to give.

3. I argued from *God's Preſcience*, which I do expreſly aſſert, and prove that they cannot have a diſtinct Notion of it; nay that *Socinus* denied it, becauſe he could not underſtand it.

But here they tell me, *I cannot defend our Doctrine againſt theirs without finding Contradictions in God's Eternity and Foreknowledge.* P. 7. If this be the Ingenuity and Juſtice and Charity of the *Unitarians*, commend me to the *honeſt-hearted Deiſts*, if there be any ſuch, as they aſſure us there are. One had better be charged with *Trifling and Fooling with Myſteries*, than with undermining the main foundations of Religion, by charging them with *Contradictions.*

But nothing could be farther from my Thoughts, than any thing tending that way. And ſuch a baſe Calumny is too much honoured with a Confutation. But do they offer to clear the Difficulty, and give us a *clear and*

distinct Idea of God's foreknowing future Events without a *certain Cause* to make them future? Nothing like it. For the question is not, *Whether a thing be necessary, because God foresees it as certain?* (as they suppose) But how of a thing merely possible it comes to be certain without a *certain Cause*; and how a thing which hath no *certain Cause*, can be certainly foreknown; and what clear and distinct Notion we can have of this in our Minds. If they had answer'd this, they had said something to the purpose. To resolve *all into God's infinite Wisdom*, is a good Answer from us, but not from them. For we think it our Duty to satisfie our selves with what God hath revealed, without prying into the manner of things above our Comprehension; but these Men who will receive nothing but what they have *clear and distinct Ideas* of, ought to shew the manner of this, or else we must be excused on the same reason, if we allow the manner of the *divine Subsistences* in the *same Essence* to be above our Comprehension.

4. I shew'd how unreasonable their Demands were, when the Nature of God is owned to be *incomprehensible*, and his *Perfections infinite.*

And now of a sudden they are quite turned about; for before, they were only for fencing and warding off Blows, but at last they come to the point, and own *the Being of God to be comprehensible by them; and that they have clear and distinct Ideas of God's infinite Attributes.* This is indeed to the purpose, if they can make these things out. But Fencers have many tricks, and I wish we find none here. I had said, "That in consequence to the Assertion, that nothing is to be believ'd, but what may be comprehended, "the very Being of God must be rejected too, because his Being is incomprehensible, and so they must reject one God as well as three Persons.

P. 7. To this they reply, *That to comprehend the Being or Existence of God is only this, to comprehend that God is; and if we cannot comprehend that, all Religion ceases.* Is not this a fine turn? What I said of God as to the Perfections of his Nature, they will have it understood of his bare Existence, which I do not mention. When God is said to be *an incomprehensible Being*, who before them did understand the meaning to be, *That we cannot comprehend that there is a God:* This is not mere *trifling*, for it looks like something worse; and yet they presently after say, *That to comprehend a thing is to have a clear adequate Conception of it.* And will they pretend to have such a one

P. 5. of the divine Essence, when they confess but a little before, *That we converse every day with very many things, none of which we comprehend, and that I might have spared my pains in proving it?* But what can be the meaning of these sayings, *They cannot comprehend the common Natures of things*, nor have a *clear* and *distinct Idea* of them, but they can *comprehend* an *infinite Being*, whom all Mankind own to be *incomprehensible.* But as to divine *Attributes*, they say, *They have clear, distinct and adequate Conceptions of them*, and instance in *Eternity, Power, Wisdom and Justice.* We do not deny that in such Attributes which we apply to God, because we find them to be *Perfections in us*, we have a distinct and clear Perception of them, as they are consider'd in themselves, for that is the reason why we attribute them to God. But for such as peculiarly belong to God, as *Eternity* doth; and for the degrees of other Attributes as they belong to him, as they are *infinite*, so they are above our *Comprehension.* (1.) As to Eternity, say they, it is a *clear and distinct Notion of Eternity, to say, it is a Duration without beginning and without end.*

But we can have no *clear and distinct notion of Duration*, when applied to a Being that hath *necessary Existence*; for *Duration*, they say, *consists in a Succession.* And what *Succession* can there be in a Being which *always* is the same, if there were no difference of times, *i. e.* God was the same Being before time was, and is the very same Being under all the differences of times; he hath not any other Duration now than he had before; and what Succession could there be

be where there was no time? But we make use of *Duration* with respect to things done in time, and for the help of our Understandings apply the measure of time to divine Acts. But in a *necessary Existence*, there can be *no past, present or to come*; and in a successive Duration, there must be conceived a longer continuance from time to time; which is repugnant to the Notion of a Being which always is. So that if we cannot conceive *Eternity* without *Duration*, nor *Duration* without *Succession*, nor can apply *Succession* to a *Being* which hath *necessary Existence*, then we can have no *clear and distinct Notion of God's Eternity.* (2.) As to the *Infiniteness* of God's Perfections, they say, P. 8. *That although the Mind be in it self finite, yet it hath an infinite Comprehension, for what is finite with respect to its Extension of parts, may be infinite in other respects, and with respect to some of its Powers.* But how doth it appear that we have any *Power* to *comprehend* what is *infinite?* All the *Power* we have extends only to *adding and enlarging our Ideas* without bounds, *i. e.* we can put no stop to our Apprehensions, but still they may go farther than we can possibly think, but is this an *infinite Comprehension?* So far from it, that this shews our Capacities to be finite, because our *Ideas* cannot go so far as our Reason. For our Reason tells us, we can never go so far, but we may still go farther: but it is impossible for our Understanding to have *distinct Ideas* of the infinite moments in an eternal Succession of the utmost Bounds of Immensity, or of the extent of infinite Power and Knowledge; since the very Notion of *Infinite* implies, that we can set no bounds to our Thoughts; and therefore although the *Infinity* of the divine Attributes be evident to our Reason; yet it is likewise evident to our Reason, that what is *infinite* must be above our *Comprehension.*

II. I come now to the last enquiry, which is, that if we allow things above our Reason, what stop can be put to any absurd Doctrine, which we may be required to believe?

And this is that which our *Unitarians* object in all their late Pamphlets. In answer to my Sermon they say, That on our principles, *our Reason would be in vain, and all Science and Certainty would be destroy'd*, which they repeat several times. And from hence they do so frequently insist on the *Parallel* between the Doctrine of the *Trinity* and *Transubstantiation*: They say, *That all the defence we have made for one will serve for the other, or any other absurd and impossible Doctrine. That what we say will equally serve all the Nonsense, and impossible Doctrines that are to be found among Men; and they particularly instance in Transubstantiation.* I need mention no more. But I did not expect to have found this *Parallel* so often insisted upon, without an answer to *two Dialogues* purposely written on that Subject, at a time when the Doctrine of the *Trinity* was used as an Argument to bring in *Transubstantiation*, as that is now alledged for casting off the other.

Answer to the Archbishop, &c. p. 4. P. 17. P. 67. *Letter of Resolut.* p. 3 *Considerat. on the Explication, &c. by Dr.* W. p. 30.

But I must do them that right to tell the World, that at that time a *Socinian* Answer was written to those *Dialogues*, which I saw, and wish'd it might be printed, that the World might be satisfied about it and them. But they thought fit to forbear; and in all their late Pamphlets, where this *Parallel* is so often repeated, there is but once, that I can find, any notice taken of those *Dialogues*, and that in a very superficial manner. For the main Design and Scope of them is past over, and only one particular mention'd, which shall be answer'd in its due order.

But in answer to the general Enquiry, I shall endeavour to state the due bounds between *Faith and Reason*, and thereby to shew, that by those grounds on which we receive the Doctrine of the *Trinity*, we do not give way to the Entertainment of any absurd Opinion, nor overthrow the *Certainty* of *Reason.*

1. We have no difference with them about the *Use* of our *Reason* as to the *Certainty* of a *Revelation.* For in this case, we are as much as they for

ſearching into the grounds of our Faith; for we look on it as a *reaſonable Act* of our Minds, and if we did not allow this, we muſt declare our ſelves to believe without grounds. And if we have grounds for our Faith, we can expreſs them in Words that are intelligible; and if we can give an account of our Faith in an intelligible manner, and with a deſign to give others ſatisfaction about it, I think this is making *uſe of our Reaſon in Matters of Faith.*

2. We have no difference with them about the *uſe of our Reaſon*, as to the *true Senſe of Revelation.* We never ſay, that Men are bound to believe upon the bare *ſound of Words* without examining the *Senſe* of them. We allow all the beſt and moſt reaſonable ways of attaining to it, by Copies, Languages, Verſions, comparing of Places, and eſpecially the *Senſe of the Chriſtian Church* in the beſt and pureſt Ages, neareſt the Apoſtolical Times, and expreſs'd in ſolemn and publick Acts.

By theſe *Rules* of *Reaſon* we are willing to proceed, and not by any late and uncertain methods of interpreting Scripture.

3. We differ not with them about the *right uſe* of the *Faculties* which God hath given us, of *right Underſtanding* ſuch matters as are offer'd to our Aſſent. For it is to no purpoſe to require them to believe, who cannot uſe the Faculties which are neceſſary in order to it. Which would be like giving the *Benefit of the Clergy* to a Man with a *Cataract* in both his Eyes. And it would be very unreaſonable to put his Life upon that Iſſue, whether he could read or not, becauſe he had the *ſame Organs of Seeing* that other Men had; for in this caſe the whole matter depended not on the *Organ* but the *Uſe* of it: This needs no Application.

4. We differ not with them about *rejecting* ſome Matters propoſed to our Belief, which are *contradictory to the Principles of Senſe and Reaſon.* It is no great argument of ſome Mens Reaſon, whatever they pretend to talk againſt *admitting ſeeming Contradictions in Religion*; for who can hinder *ſeeming Contradictions?* Which ariſe from the ſhallowneſs of Mens Capacities, and not from the repugnancy of Things: and who can help Mens Underſtandings? But where there is evident proof of a *Contradiction* to the *Principles of Senſe and Reaſon*; we are very far from owning any ſuch thing to be an Article of Faith, as in the caſe of *Tranſubſtantiation.* Which we reject, not only, as having no foundation in Scripture, but as repugnant to the common Principles of Senſe and Reaſon; as is made to appear in the two *Dialogues* before mention'd.

But our *Unitarians* find fault with the Author of them, for laying the force of his argument upon this, *That there are a great many more Texts for the Trinity, than are pretended for Tranſubſtantiation*; whereas many other arguments are inſted on, and particularly the great *abſurd ty of it in point of Reaſon*, *Dial.* 2. from *p.* 33. to the end. And it is not the bare *number of Texts*, which he relies upon, but upon the *greater Evidence and Clearneſs* of the *Text* on one ſide than on the other, which depends upon figurative Words, not capable of a *literal Senſe* without overthrowing the Doctrine deſigned to be proved by it. See with what Ingenuity theſe Men treat the Defenders of the *Trinity*, and the Enemies to *Tranſubſtantiation*, which they call only a *Philoſophical Error or Folly*; but the Doctrine of the *Trinity* is charged with *Nonſenſe*, *Contradiction*, and *Impoſſibilities.*

Conſider it. on the Explication by Dr. W. p. 30.

Anſwer to Archbiſh. p. 21.

But wherein then lies the difference in *point of Reaſon?* For thus far I have ſhew'd, that we are far from overthrowing *Reaſon* or giving way to any *abſurd Doctrines.* It comes at laſt to the point already treated of in this Chapter, how far we may be obliged to believe a Doctrine which carries in it ſomething *above our Reaſon*; or of which we cannot have any *clear and diſtinct Ideas.* And of this I hope I have given a ſufficient Account in the foregoing Diſcourſe.

AN

AN

ANSWER

TO

Mr. *LOCKE*'s LETTER,

Concerning Some Paſſages Relating to his ESSAY of *Humane Underſtanding*: Mention'd in the late Diſcourſe in Vindication of the Trinity. With a *POSTSCRIPT* in anſwer to ſome Reflections made on that Treatiſe in a late *Socinian* Pamphlet.

SIR,

I HAVE ſeriouſly conſider'd the *Letter* you were pleaſed to ſend me, and I find it made up of two Parts; A *Complaint* of me, and a *Vindication* of your ſelf: To both which I ſhall return as clear and diſtinct an Anſwer, and in as few words, as the matter will permit.

1. As to the *Complaint* of me, it runs quite through the Book, and even your *Poſtſcript* is full of it.

The Subſtance of it is, that in *anſwering Objections againſt the Trinity, in point of Reaſon*, I produce ſeveral Paſſages out of your *Eſſay of Humane Underſtanding*, as if they were intended by you to that Purpoſe; but you declare to the World, *p.* 150. that it was written by you *without any Thought of the Controverſie between the* Trinitarians *and* Unitarians; *and p.* 224. *That your Notions about Ideas have no Connexion with any Objections that are made by others againſt the Doctrine of the Trinity, or againſt Myſteries.* And therefore you complain of it, as *an Injury done to you, in imputing that to you, which you have not done*, p. 95. or *at leaſt in leaving it ſo doubtfull, that the Reader cannot diſtinguiſh who is meant*, p. 96. and this you call *my peculiar way of Writing in this part of my Treatiſe.*

Now to give you and others ſatisfaction as to this matter, I ſhall firſt give an account of the *Occaſion* of it, and then ſhew what *Care* I took to prevent Miſunderſtanding about it.

The *Occaſion* was this, Being to anſwer the *Objections in Point of Reaſon*, (which had not been anſwered before) the firſt I mention'd, was, *That it was above Reaſon, and therefore not to be believed*; in anſwer to this, I propoſed two Things to be conſider'd; 1. What we underſtand by Reaſon. 2. What Ground in Reaſon there is to reject any Doctrine above it, when it is propoſed as a matter of Faith.

As to the former I obſerv'd that the *Unitarians* in their late Pamphlets talk'd very much of *clear and diſtinct Ideas and Perceptions*, and that the Myſteries of Faith were repugnant to them, but never went about to ſtate the Nature and Bounds of Reaſon in ſuch a manner as thoſe ought to have done who make it the Rule and Standard of what they are to believe. But I added, that a late Author in a Book, call'd *Chriſtianity not Myſterious*, had taken upon him to clear this Matter, whom for that cauſe I was bound to conſider; the deſign of his Diſcourſe related wholly to *Matters of Faith*, and not to *Philoſophical Speculations*; ſo that there can be no Diſpute about his Application of thoſe he calls *Principles of Reaſon and Certainty.*

When

When the mind makes use of intermediate Ideas to discover the Agreement or Disagreement of the Ideas received into them, this Method of Knowledge, he saith, *is properly called Reason or Demonstration.*

The Mind, as he goes on, *receives Ideas two ways:*

1. *By Intromission of the Senses.*
2. *By considering its own Operations.*

And these simple and distinct Ideas, are the sole Matter and Foundation of all our Reasoning.

And so *all our Certainty* is resolved into two things, either *immediate Perception, which is self-Evidence*, or *the use of intermediate Ideas, which discovers the Certainty of any thing dubious*; which is what he calls *Reason.*

Now this I said did suppose,

" That we must have clear and distinct Ideas of what ever we pretend to " any Certainty of in our minds (by Reason) and that the only way to at- " tain this Certainty is by comparing these Ideas together; which excludes all " Certainty of Faith or Reason, where we cannot have such clear and di- " stinct Ideas.

From hence I proceeded to shew, that we could not have such *clear and distinct Ideas*, as were necessary in the present Debate, either *by Sensation or Reflection*, and consequently we could not attain to *any Certainty* about it; for which, I instanced in the *Nature of Substance* and *Person*, and the *Distinction* between them.

And by vertue of these Principles I said, " That I did not wonder, that the " Gentlemen of this new way of Reasoning had almost discarded Substance out " of the Reasonable part of the World. Which *Expression* you tell me *you do not understand.* But if you had pleased to have look'd back on the Words just before, a person of your Sagacity could not have missed the Meaning I in- " tended. Which are, Now this is the case of Substance; it is not intro- " mitted by the Senses, nor depends upon the Operations of the Mind, and " cannot be within the compass of our Reason."

P. 6. But you say, *That if I mean that you deny or doubt that there is in the World any such thing as Substance, I shall acquit you of it, if I look into some Passages in your Book which you refer to.* But this is not the point before us, whether you do own *Substance* or not? but whether by vertue of these Principles, you can come to any Certainty of Reason about it? And I say, the very places you produce do prove the contrary; which I shall therefore set down in your own Words, both as to *Corporeal* and *Spiritual Substances.*

P. 7. *When we talk or think of any particular sort of Corporeal Substance, as Horse, Stone, &c. tho' the Idea we have of either of them be but the Complication or Collection of those several simple Ideas of sensible Qualities which we use to find united in the thing called Horse or Stone, yet because we cannot conceive how they should subsist alone, or one in another, we suppose them existing in and supported by some common subject, which Support we denote by the name Substance, tho' it be certain we have no clear or distinct Idea of that thing we suppose a Support. The same happens concerning Operations of the Mind*, viz. *Thinking, Reasoning*, &c. *which we considering not to subsist of themselves, nor apprehending how they can belong to Body or be produced by it, we are apt to think these the Actions of some other Substance, which we call Spirit, whereby yet it is evident, that having no other Notion or Idea of Matter, but something wherein those many sensible Qualities, which affect our Senses do subsist, by supposing a Substance wherein Thinking, Know-*

P. 8. *ing, Doubting, and a Power of Moving*, &c. *do subsist, we have as clear a Notion of the Nature or Substance of Spirit as we have of Body, the one being supposed to be (without knowing what it is) the* Substratum *to those simple Ideas we have from without, and the other supposed (with a like Ignorance of what it is) to be the* Substratum *to those Operations which we experiment in our selves.* You men-

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tion other places to the same purpose, but these are sufficient for mine. *These and the like fashions of speaking, you say intimate, that the Substance is supposed always something*, &c. I grant that you say over and over, *that Substance is supposed*: but that is not what I looked for, but something in the way of Certainty by Reason. Yes, you say, *we cannot conceive how these sensible Qualities should subsist alone, and therefore we suppose a Substance to support them.* It is but *supposing* still, because we cannot conceive it otherwise. But what Certainty follows barely from our not *being able to Conceive?* Are there not multitudes of Things which we are not able to conceive, and yet it would not be allowed us to suppose what we think fit on that account? I could *hardly conceive* that Mr. *L.* would have brought such Evidence as this against himself; but *I must suppose some unknown Substratum* in this Case. P. 9.

But you go on, *That as long as there is any simple Idea, or sensible Quality left, according to my way of Arguing, Substance cannot be discarded, because all simple Ideas, all sensible Qualities carry with them a supposition of a Substratum to exist in and of a Substance wherein they inhere.* What is the meaning of *carrying with them a supposition of a Substratum and a Substance?* Have these *simple Ideas* the Notion of a *Substance* in them? *No, but they carry it with them.* How so? Do *sensible Qualities* carry a *Corporeal Substance* along with them? Then a *Corporeal Substance* must be *intromitted* by the Senses together with them. *No; but they carry the Supposition with them.* And truly that is burden enough for them. But which way do they *carry it?* It seems it's only *because we cannot conceive it otherwise.* What is this *Conceiving?* It may be said that it is *an Act of the Mind, not built on simple Ideas, but lies in comparing the Ideas of Accident and Substance together, and from thence finding that an Accident must carry Substance along with it?* But this will not clear it; for the *Ideas* of *Accidents* are *simple Ideas*, and carry nothing along with them, but the Impression made by sensible Objects: and the Idea of *Substance* comes in by way of *Supposition* with the other: so that it is not *the comparing two Ideas together*, but the *supposing* one *Idea* from another, and that a very *obscure and confused one* too, as is confessed, *viz. That it is something which supports Accidents*, and was found out for that substantial End. As appears from these remarkable words of yours.

They who first ran into the Notion of Accidents, as a sort of real Beings that needed something to inhere in, were forc'd to find out the word Substance to support them. Had the poor Indian *Philosopher but thought of this word Substance, he needed not to have been at the trouble to find an Elephant to support it, and a Tortoise to support his Elephant. The word substance would have done it effectually. And it might have been taken for as good an Answer from an* Indian *Philosopher, that Substance without knowing what it is, is that which supports the Earth, as we take it for a sufficient Answer, and good Doctrine from our* European *Philosophers, that Substance without knowing what it is, is that which supports Accidents.* What can be ridiculing the Notion of Substance, and *the* European *Philosophers* for asserting it, if this be not? I forbear now your *Repetition* of it; because I see it doth not please you. But truly it was not to upbraid you with the bare *Repetition* as a *fault in Writing* (many of which I am too much sensible of my self, to blame it in others) but only to shew that it was not a sudden Fancy, but a deliberate, and (as you thought) a lucky Similitude. Book 2. Ch. 13. Sect. 19. P. 14. Ch. 23. Sect. 2.

But you say, *You would be glad to hear a clearer and more distinct Idea of Substance, but you can find no better in your own Thoughts, or in the Books of Logicians.* Are not these *Logicians* a sort of *European Philosophers*, who were despised so much before, for this very Notion of *Substance?* Even *Burgersdicius* and *Sanderson* (whom you quote) were so, as well as many others of the dull *Tribe of Logicians.* P. 11.

But I do not find fault with the Definition of *Substance* brought by *Logicians*; for they do not say, *that it was found out only to support Accidents*, but they

they ſay, it firſt implies a *Subſiſtence by it ſelf*; and then *that it ſupports Accidents:* But you ſay, *The former implies no more than that Subſtance is a Thing, or Being; or in ſhort, ſomething they know not what.* Is there no difference between the bare *Being* of a *Thing*, and its *Subſiſtence by it ſelf?* I had thought *Accidents* or *Modes of Matter* which make ſenſible Impreſſions on us, were *Things* or *Beings*, or elſe there could be no effect of them; but you will not ſay they *ſubſiſt of themſelves*, and are in no other thing as the proper ſubject of them, and you confeſs at laſt, *that Subſtance doth imply that it is not ſupported it ſelf as a Mode or Accident.* So that our *European Philoſophers* happen to be in the right at laſt.

P. 12. Well! *but I would think it hard to be thought to diſcard every thing which I do not comprehend; for I own Myſteries. Why then ſhould I charge others for diſcarding Subſtance, becauſe they have but a confuſed Idea of it?* This is the force of the Charge which I bring into as few words as may be, but without the leaſt Intention to abate the ſtrength of it.

To which I anſwer, That I do not charge them with *diſcarding the Notion of Subſtance*, becauſe they have but an *imperfect Idea* of it; but becauſe upon thoſe Principles there can be no *certain Idea* at all of it: whereas I aſſert it to be one of the moſt *natural* and *certain Ideas* in our Minds, becauſe it is a Repugnance to our firſt conception of Things that Modes or Accidents ſhould ſubſiſt by themſelves; and therefore I ſaid the Rational Idea of Subſtance is one of the firſt Ideas in our Minds; and however imperfect and obſcure our Notion be, yet we are as certain that Subſtances are and muſt be, as that

P. 22. there are any Beings in the World. *Herein* you tell me *you agree with me, and therefore you hope this is no Objection againſt the Trinity.* I never thought it was, but to lay all Foundation of Certainty as to matters of Faith upon *clear and diſtinct Ideas*, which was the Opinion I oppoſed, does certainly overthrow all *Myſteries of Faith*, and excludes the Notion of *Subſtance* out of *Rational Diſcourſe*, which at length you apprehend to have been my meaning.

P. 35. But, ſay you, *if any aſſert, that we can have no Ideas but from Senſation or Reflection, you declare, that this is not your Opinion.* I am very glad of it: And I will do you all the Right I can in this matter. But we muſt take your *Meaning* from your own words. And there are three Particulars you expreſs it in.

P. 25. (1.) *That your Meaning was, to ſignifie all thoſe Complex Ideas of Modes, Relations, and ſpecifick Subſtances, which the Mind forms out of ſimple Ideas.* So that theſe *Ideas* are allowed by you although they come not by *Senſation or Reflection.* But is not the Notion of *particular Subſtances* a *Complex Idea*, becauſe it is a *Complication of ſimple Ideas*, as will preſently appear from your own words; but all *ſimple Ideas come in by Senſation and Reflexion.* But you may ſay *the Combination of them to make one Idea, is an Act of the Mind, and ſo this Idea is not from Senſation or Reflection.* It ſeems then, the Mind hath a Power to form *one Complex Idea* out of many *ſimple ones*, and this makes a true Idea of a *particular Subſtance* not coming in by *Senſation* or *Reflexion.* But I am ſtill to ſeek, how this comes to make an *Idea of Subſtance*; I underſtand it very well to be a *Complex Idea of ſo many Accidents* put together; but I cannot underſtand, how a *Complex Idea of Accidents* ſhould make an *Idea of Subſtance.* And till you do this you are as far as ever from a *true Idea* of *Subſtance*, notwithſtanding your *Complex Ideas.*

P. 38. (2.) *You never ſaid that the general Idea of Subſtance comes in by Senſation or Reflection.* And if there be any Expreſſions that ſeem to aſſert it to be *by a Complication of ſimple Ideas, (and not by Abſtracting and Inlarging them) be-*

P. 28, 29. *cauſe we accuſtom our ſelves to ſuppoſe a Subſtratum*; it ought to be look'd on *as a ſlip of the Pen, or a Negligence of Expreſſion.* In which Caſes, I think no Man ought to be ſevere. But was there not too much occaſion given for others to think, that the *Idea* of particular *Subſtance* was only a *Complication*

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of ſimple Ideas; and becauſe *all ſimple Ideas do come in*, you ſay, *only by Senſation and Reflection*, therefore all the *Ideas of particular Subſtance* (which is but a *Complication* of them) muſt either come in thoſe ways, or elſe we can have no true Idea of particular *Subſtance* at all?

So that there are Two things, wherein you are very far from giving Satisfaction.

1. That although you ſay, *That the Idea of Subſtance in general is made by Abſtraction*; yet you add, *That all the Ideas we have of particular diſtinct Subſtances are nothing but ſeveral Combinations of ſimple Ideas.* From whence it is plain, that according to your repeated Aſſertions, we can have no *Idea* of *particular and diſtinct Subſtances*, but what is made up of a Complication of *ſimple Ideas*; and although there may be ſome abſtracted Notion or *general Idea of Subſtance*, which is only an act of the Mind, yet there is no real Idea of any particular Subſtance, but what is a Complication of ſimple Ideas. *And that a Man hath no other Idea of any Subſtance, let it be Gold, or Horſe, Iron, Man, Vitriol, Bread, but what he has barely of thoſe ſenſible Qualities, which he ſuppoſes to inhere with a ſuppoſition of ſuch a Subſtratum, as gives as it were a ſupport to thoſe Qualities or ſimple Ideas, which he has obſerved to exiſt united together.* Theſe are your own words; and what can the meaning of them be, but that we neither have nor can have any Idea of a *particular Subſtance*, but only with reſpect to the *ſimple Ideas* which make it up; and theſe being *ſenſible Qualities*, there is no ſuch thing as an *Idea of Subſtance*, but only a *ſuppoſition* of a *Subſtratum to ſupport Accidents*? P. 32. Book 2. ch. 23. Sect. 6.

2. *That although the Idea of Subſtance be made doubtfull by attributing it only to our accuſtoming our ſelves to ſuppoſe ſome Subſtratum; yet the Being of Subſtance is not.* How is this poſſible? Is not the Being *doubtful* if the *Idea* be; and all our *Certainty* come in by *Ideas*? *No*, ſay you, *the Being would not be ſhaken if we had no Idea of Subſtance at all.* What! not as to our *Knowledge*? But you ſay, *there are many things in Nature of which we have no Ideas.* And can we have any *Certainty* of Reaſon as to thoſe things? For about that our debate is, *viz.* What *Certainty* we can have as to *Subſtance*, if we can have no *Idea* of it? So that the *Being of Subſtance* on theſe Principles is far from *being ſafe and ſecure* as to us, when we have ſo lame an account of the Idea of it. P. 32. P. 33.

But you have yet a farther diſtinction to bring off the *Idea* of *Subſtance*; for you ſay,

(3.) *That the Idea of Subſtance is a Relative Idea. For the mind can frame to it ſelf Ideas of Relation, and perceiving that Accidents cannot ſubſiſt of themſelves, but have a neceſſary Connexion with Inherence or being ſupported, which being a Relative Idea, it frames the Correlative of a Support, which is Subſtance.* And now I think we have all that is ſaid in Defence of the *Idea of Subſtance*; *viz.* That there is a *Complex Abſtracted* and *Relative Idea* of it; which is derived from the *ſimple Ideas got by Senſation or Reflection.* But this *Relative Abſtracted Idea* is confeſſed to be *an obſcure, indiſtinct, vague Idea of Thing or Something*; *and is all that is left to be the poſitive Idea, which hath the Relation of a Support or Subſtratum to Modes or Accidents:* And *that what Idea we have of particular and diſtinct Subſtances is nothing but a Complication of ſimple Ideas with the ſuppoſition of a Subſtratum or Support.* P. 40.

Theſe being the *Conceſſions* and *Diſtinctions* you make in this Matter, I muſt now return to the *Occaſion* of this Debate, which was, whether the ground of our Certainty, as to the Nature of Subſtance, can be reſolved into the *ſimple Ideas* we receive in by *Senſation or Reflection.* The queſtion is not, Whether you *doubt or deny any ſuch Being as Subſtance in the World*? nor whether the Notion you have of it be *clear and diſtinct*? for you confeſs it is not; but the point in debate is, What Certainty we can have of the *Nature* of *Subſtance* from the *ſimple Ideas* we have by *Senſation or Reflection*? And here the queſtion

ſtion is not, Whether the mind cannot form *Complex* and *Abſtracted general Ideas* from thoſe *ſimple Ideas?* But whether thoſe *ſimple Ideas are the Foundation of our Knowledge and Certainty as to the Nature of Subſtance?*

For you affirm over and over (if I may have leave to ſay ſo) *That the ſimple Ideas we have by Senſation and Reflection are the Foundation of all our Knowledge.* And yet *that the Ideas we have of particular diſtinct Subſtances are nothing but ſeveral Combinations of ſimple Ideas of Accidents.*

P. 18, 23, 24, 36, 37. P 8.

Which being ſuppoſed, I think it no hard matter to make it appear that we come to any *Certainty* as to the *Nature* of *Subſtance* cannot in this way of *Ideas*. For,

1. The *ſimple Ideas* afford no ground of Certainty any farther than as to themſelves. Outward Objects make an impreſſion on our Senſes; and all the Certainty we have by them is that our Senſes are ſo and ſo affected by them; but what that is in thoſe Objects which produces thoſe Effects in us, theſe *ſimple Ideas* do not acquaint us. For the old or new Doctrine of *Qualities* may be true, notwithſtanding any Effect of theſe *ſimple Ideas* upon us; for the ſame effects would be whether there be *real Qualities in the Objects*, or only a *power to make ſuch Impreſſions* on us, which we fancy to be *Qualities* without us. And ſo for our inward Perceptions; we certainly know, that we have a Power of Thinking, Doubting, Conſidering, &c. theſe *ſimple Ideas* we are very certain of; but whether theſe Perceptions come from a *Material* or *Immaterial Subſtance*, you ſay, *cannot be certainly known by theſe ſimple Ideas:* for you think Matter may be ſo refined and modified as to produce them. Now it is a very ſtrange thing to me, that Men of Underſtanding ſhould make theſe *ſimple Ideas the Foundation of all our Knowledge and Certainty*; and yet, that we ſhould be able to attain to no Certainty at all by them, from whence they proceed. For if theſe *Ideas* were intended for the means of our attaining to any Certainty, this would be the firſt thing we ſhould know by them. It is not diſtinguiſhing *Primary* and *Secundary Qualities* will help us out here. For theſe ſenſible Qualities of Bodies, which ariſe from the firſt, *viz. Bulk, Figure, Texture and Motion of Parts*, do not carry any evidence along with them that they are not Reſemblances of ſomething in the Objects as well as the Primary. It is very eaſie to affirm, *That there is in Truth nothing in the Objects themſelves, but only Powers to produce various Senſations in us:* but I intend not to diſpute, whether it be ſo or not; all that I obſerve, is, that there have been *Philoſophers*, both *European* and others, of another opinion; and that theſe *ſimple Ideas*, which are ſaid to be *the only Foundation of our Knowledge*, do not help us one jot in the Diſcovery. For it is confeſſed by your ſelf, *That Senſation diſcovers nothing of Bulk, Figure or Motion of Parts in the Production of ſenſible Qualities, nor can Reaſon ſhew how Bodies by their Bulk, Figure and Motion ſhould produce in the Mind the Ideas of Blew, Yellow, &c.* How then are theſe *ſimple Ideas* the *Foundation of our Knowledge and Certainty*, when by them we can diſcover nothing of the true Cauſes of thoſe Impreſſions which are made upon us? And you own, *That the Ideas of Senſation are often corrected by Judgment, and that ſo inſenſibly, that we are apt to miſtake one for the other*; ſo that theſe *ſimple Ideas* are but a very ſlippery and uncertain Foundation for our *Knowledge*, unleſs Reaſon and Judgment be watchfull to prevent the Errors we are liable to in the *Ideas* of *Senſation*. But if no more be meant by the *ſimple Ideas that come in by Senſation or Reflection, and their being the Foundation of our Knowledge*, but that our Notions of Things come in either from our Senſes or the Exerciſe of our Minds: As there is nothing extraordinary in the Diſcovery, ſo I am far enough from oppoſing that, wherein I think all Mankind are agreed. But when new Terms are made uſe of by ill men to promote *Scepticiſm* and *Infidelity*, and to overthrow the *Myſteries of our Faith*, we have then Reaſon to enquire into them, and to examine the Foundation and Tendency of them. And this was the *true and only Rea-*

Eſſay. B. 2. ch. 8. Sect. 25.

Ch. 9. Sect. 8, 9, 10.

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ſon of my looking into this way of *Certainty by Ideas*, becauſe I found it *applied* to ſuch Purpoſes.

(2.) *The Idea of particular Subſtances* being only *the Complication of many ſimple Ideas*, can give no greater Foundation of Knowledge or Certainty, than thoſe *ſimple Ideas* of which it conſiſts.

Which is ſo clear of it ſelf, that I ſhall not go about to prove it. But that you make the Ideas of *particular Subſtances* to be no other, is plain from the ſeveral places before mention'd, produced by your ſelf in this Book. So that as to the Notion of *particular Subſtances*, we can find no Foundation of Knowlege or Certainty at all from the Ideas. It cannot be denied, that you joyn *the ſuppoſition of a Subſtratum* with this *Complication of ſimple Ideas*; but we muſt take notice that you place the *Idea* of *particular and diſtinct Subſtances* in that *Complication*, and only reſerve the *ſuppoſition* of the *Subſtratum*, as a general confuſed unknown thing, which makes no part of the *Idea*, but is only kept at a dead lift to *ſupport Accidents*. Your words are, *When we talk or think of any particular ſort of Corporeal Subſtance, as Horſe, Stone, &c. tho' the Idea we have of either of them be but the Complication or Collection of thoſe ſeveral ſimple Ideas of ſenſible Qualities, we uſe to find united in the thing called Horſe or Stone:* then follows, *Yet we ſuppoſe them exiſting in ſome common Subject*, &c. So that the *Idea* was compleat before the *ſuppoſition*. And again, *Whatever be the ſecret Nature of Subſtance in general, all the Ideas we have of particular Subſtances are nothing but ſeveral Combinations of ſimple Ideas* Can any thing be plainer? Yet there follows, *Co-exiſting in ſuch, though unknown cauſe of their Union, as makes the whole ſubſiſt of it ſelf.* Here we have ſtill *an unknown Support*, but made no part of the *Idea* it ſelf. In another place, the *Idea of Subſtance* is ſaid to be *a Complication of many Ideas together, becauſe not imagining how theſe ſimple Ideas can ſubſiſt by themſelves, we accuſtom our ſelves to ſuppoſe ſome Subſtratum which we call Subſtance.* And this is ſaid to be *the Notion of pure Subſtance in general*, and not of any particular Subſtance, which conſiſts in a *Complication only of ſimple Ideas.*

P. 7, 8, 10, 30. P. 6. P. 8. B. 2. ch. 23. Sect. 1. Sect. 2, 3, 4.

(3.) The *Relative Idea* of *Subſtance* ariſing from the *neceſſary Support* of *Accidents* is a mere effect of Reaſon and Judgment, and no effect of any *ſimple Ideas.* For it ariſes from nothing ſuggeſted by the *Ideas* of Senſation or Reflection, but it comes only from the Mind it ſelf. Becauſe, as I ſaid before, it is a Repugnancy to our firſt Conception of Things, that Modes or Accidents ſhould ſubſiſt by themſelves. But which of the *ſimple Ideas* is this built upon? You tell me, *You ſay the ſame thing*, and quote theſe Words of yours; *And I ſay, Becauſe we cannot conceive how ſimple Ideas of ſenſible Qualities ſhould ſubſiſt alone, or one in another, we ſuppoſe them exiſting in and ſupported by ſome common Subject.* But you have not told me, how this is founded on the *ſimple Ideas*, which was your main point. *You boaſt*, you ſay, *of my Agreement with you herein:* I wiſh we might as well agree in all other things under Debate; but why did you not inform me, how you came to this, by your *ſimple Ideas*; and what ſteps and progreſs you made in the *Complication of your ſimple Ideas* before you came to it? For truly, I ſhould have found ſome difficulty in it, ſince you make the *Idea of a particular Subſtance a Complication of many ſimple Ideas:* for if it be ſo, how could a *Complication of ſimple Ideas*, which cannot ſubſiſt by themſelves, make the *Idea* of a *Subſtance* which doth ſubſiſt by it ſelf? This looks a little untowardly in the way of *Knowledge* and *Certainty.* But there is no help for it, a *Subſtratum muſt be ſuppoſed to ſupport theſe* unlucky *Accidents.* Let it be ſo then. How came we to know that theſe *Accidents* were ſuch feeble things? What *ſimple Ideas* inform'd you of it? If none, then it is to be hoped there is ſome other way to attain *Knowledge* and *Certainty* in this matter. No; you tell me, there is no need of any other way, but this of *Ideas.* How ſo? Your words are theſe, *The general indetermined Idea of Some-*

P. 22. P. 40.

thing, is by the Abſtraction of the mind derived alſo from the ſimple Ideas of Senſation and Reflection. But alas! We are not upon the *general indetermined Idea of ſomething*; but upon the *particular Idea of diſtinct Subſtances*, which is granted not to be by *Abſtraction*, but by a *Complication of ſimple Ideas.* So that this is quite off from the matter. But as to your *general abſtracted Idea*, I have ſomething farther to ſay.

(4.) A general *Abſtracted Idea* of *Subſtance* is no *real Subſtance*, nor a *true Idea* of one, if *particular Subſtances* be nothing but a *Complication of ſimple I-*
P. 40. *deas.* For you ſay, *That the Mind by Abſtraction from the poſitive ſimple Ideas got by Senſation or Reflection comes to the general Relative Idea of Subſtance.* If then the *general Idea* be raiſed from the *ſimple Ideas*, and thoſe *ſimple Ideas* make that of *particular* and *diſtinct Subſtances* only by *Complication*, then the *general Idea* of *Subſtance* can be nothing but an *Abſtracted Complication* of theſe *ſimple Ideas*, or elſe it is not by *Abſtraction* from the *ſimple Ideas.* But I do not deny that there is a *general Nature of Subſtance*, which is as *real* as *a general Idea* can be, and it is that, which makes any *particular Subſtance* be what it is in its own Nature without reſpect to Individual Modes and Properties. And although this general Subſtance doth not exiſt of it ſelf, yet it doth really exiſt in the ſeveral Individuals that belong to its kind; and the ſeveral kinds of particular Subſtances are really diſtinguiſhed from each other, not merely by *ſimple Ideas of ſenſible Qualities*, but by their inward Frame and Conſtitution: as the Subſtance of a Man is from that of a Horſe or a Tree. For it is ridiculous to imagine, that theſe really differ from each other only as Individuals of the ſame ſort under the general *Abſtracted Idea* of *Subſtance.* And if there be *Subſtances* of ſeveral kinds really different from each other, an account muſt be given, not only of the *general Notion of a Subſtratum for Accidents*, but of the *ſpecifick Nature* of *different Subſtantes*, and wherein the difference of the *unknown Support* lies, as to the Modes and Accidents of their kinds, which I deſpair of ever ſeeing done by the *ſimple Ideas of Senſation and*
B. 2 Ch. *Reflection.* And your ſelf confeſs, *That we have no Idea of Abſtract Subſtance*;
24. Sect. and that *by the Complex Idea of ſenſible Qualities, we are as far from the Idea*
16. *of the Subſtance of Body, as if we knew nothing at all.*

And now I freely leave the Reader to judge whether this be a tolerable Account of the *Idea of Subſtance* by *Senſation or Reflection*, and whether I deſerve ſo much to be complained of, for expoſing the unreaſonableneſs of laying *the Foundation of all our Certainty and Knowledge upon ſimple Ideas which we receive by Senſation or Reflection.*

But before I proceed further, it will be proper here to take notice how you
P. 43. juſtifie your *Idea of Subſtance* from *the Etymology of the Word*; *which*, ſay you, *is ſtanding under or upholding.* I told you very little weight is to be laid on a bare Grammatical Etymology, when the Word is otherwiſe uſed by the beſt Authors for the *Eſſence* of a thing; and I named *Cicero* and *Quintilian*; and the Greek Word imports the ſame. But ſtill you ſay, it is derived *à ſubſtando*;
P. 44. and you tell us your opinion, *That if we knew the Original of Words, we ſhould be much helped to the Ideas they were firſt applied to and made to ſtand for.* If you mean the *true Ideas of them*, I muſt beg leave to differ in my opinion, and my Reaſon is this, becauſe Words were uſed before men came to form Philoſophical *Notions* or *Ideas* of Things; and therefore they were forced to make uſe of Words applied in another Senſe; or elſe to coin Words on purpoſe to expreſs their own (as *Cicero* often doth, as *Qualities*, *Evidence*, *Comprehenſion*, &c.) So that if *ſubſtare* were uſed in another Senſe before, it doth not follow, that it ought to be ſo, when we enquire into the true *Ideas* of Things. But one of the beſt Criticks of the Latin Tongue in our Age, hath told us, that *ſubſtantia*
Voſſ. Etymol. in V. Sto. is ſo called, *quia per ſe ſubſtat.* And *ſubſtare* is uſed by *Terence*, not for *ſtanding under*, but for *being ſtedfaſt*, *Metuo ut ſubſtet hoſpes.* But as to your gene-

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ral Obſervation; I think there are very few Words uſed in the Philoſophical Language of the *Romans*, but what were taken off from the original Senſe they were applied to; as *Perſona* was firſt taken for a Man in *Maſquerade*, *Genus* for a *Pedegree*, *Species* for a *Sight*, from *Specio*, *to ſee*, *Virtus* for manly Courage, and diſtinguiſh'd from *Probity*. *Sit virtus etiam non Probitate minor. Ovid. de Pont. l. 3.* And ſo *Anima* was firſt taken for *the Breath in the Body*, as well as *Spiritus*. Thence *Varro* ſaith, *Their Anceſtors, although they eat Leeks and Onions*, yet were *bene animati, had no ill Breath*; and thence *Animam agere* and *efflare*, ſaith *Cicero*; and from *Anima*, he ſaith came *Animus*, by which they underſtood *the Mind*; *Hinc Animus ad intelligentiam tributus*, ſaith *Varro*: and many others of a like Nature. But I ſhall only add one more, and that is the Name of *Idea*, ſo very often uſed by your ſelf and others of late. I wiſh we had been told *the original uſe of it, and how it was firſt applied*, that we might better judge of the true meaning of it now when ſo much Weight is laid upon it. I find in *Thucydides*, who was an accurate Writer, and underſtood the true Senſe of Words, that an *Idea* is uſed by him for an *Appearance and Shew* without Reality, as when he ſaith, *That the* Athenians *in dealing with the* Sicilians, *made uſe of the ſame Idea which they had done before.* Where it can ſignifie nothing but what he calls before a *Pretence*. But when the Philoſophers came to uſe this Word, they applied it to another Senſe; *Plato* made uſe of it to ſignifie the true *Exemplars* or *Models* of Things, according to which the ſeveral ſorts of them were framed and diſtinguiſhed. This Notion he had, as many others, from the *Pythagoreans*, but what they *Myſtically* called *Numbers* he called *Ideas*. But *Idea* in its *original Senſe* from the Etymology of it, is derived from *Seeing*, and ſo the natural Senſe of it is *ſomething Viſible*; from thence it came to ſignifie the *Impreſſion* made in us from our Senſes; and thence it was carried to the *general Notion* of a thing, and from thence by Metaphyſical and abſtracted Speculations to the *Original Exemplars* of particular Eſſences, which were *Simple and Uniform*, and not liable to thoſe Changes which viſible Objects are ſubject to. So *Cicero* tells us, *Plato formed his Notion of Idea*, which he would by no means allow to any Repreſentation made by our Senſes, which *are dull, heavy, uncertain and imperfect either by the Minuteneſs, or Diſtance, or Mutability of the Objects*; thence the Philoſophers of his School denied any true grounds of Certainty to be laid in the *Ideas* we have by our Senſes, which can only afford ground for *Probability* (not as to the bare *Objects*) but as to the *Notions* we take from them. But all Knowledge and Certainty was placed in the acts of the Mind (*Scientiam nuſquam eſſe cenſebant niſi in animi notionibus atque rationibus*) *i. e.* in examining and comparing, not the *bare Ideas*, but the *Definitions of things*; and from theſe, judging of the Truth and Certainty of them. And if our *Ideas* of things be *ſo few, ſo ſuperficial, and ſo imperfect* as you confeſs them to be; if we are ſo much to ſeek, as to *the Connexion of Ideas*, and the finding out proper *intermediate Ideas*, I am afraid this way of Certainty by *Ideas* will come to very little at laſt. And ſo *this Agreement and Diſagreement of Ideas* will have the Fate of the *Stoicks Criterion of Truth*, which only multiplied Diſputes, but ended none. Never any men talked more of *Certainty* than they; and they boaſted of their Diſcoveries of the *true grounds* of it: and the queſtion then was not about a *Criterion* of the *bare Exiſtence of things*; (about which they allow'd the Judgment of the Senſes to be ſufficient, and the *Ideas* from them to be true;) Nor was it about a *Criterion* for *the Actions of Life*, for which they thought *Probability* or *Opinion* ſufficient; but it was about finding out ſuch a *mark of truth in the Ideas of our Minds as could not agree to a Falſhood*, i. e. ſuch *an Impreſſion or Signature*, as *Cicero* expreſſes it, *as appear'd in that which was, which could not be found in that which was not.* And this was called *Viſum*, or a *true Idea*; his words are, *Quale igitur viſum? quod ex eo quod eſſet, ſicut eſſet, impreſſum eſt ſignatum,*

Thucyd. l. 6. p. 392. Ed. Ox. & l. 3. p. 184. 8.

Acad. l. 1.

Cicer. in Lucul. c. 6.

C. 24. *ſignatum, & effectum.* The *Greeks* called it a *Comprehenſive Idea*, which they compared to Light, which diſcovers it ſelf as well as other Things. But when they came to be pinched with particular difficulties about the Natures of Things, they were never able to make out that infallible mark of Truth in their Idea; and yet this was a more likely way to have found it, than to place the grounds of Certainty in the comparing the *Agreement and Diſagreement of Ideas*, unleſs it could he made out that we have a full ſtock of *Ideas*, and are able to diſcern and make out the *Connexion* of them with one another. For if we fail in either of theſe, the talking of Ideas and comparing thoſe which we have will do us little ſervice in finding out of Truth.

But I confeſs, the deſign in general is ſo good, that it's pity that it ſhould lie open to ſo many Objections; and much more, that it ſhould be abuſed to very bad purpoſes. But my joyning *your words with another's Application*, is that which hath given you ſo much *Offence* as to make you think it neceſſary to publiſh this *Letter* for your *Vindication.*

2. I come therefore now to ſhew *the Care* I took to prevent being miſ-underſtood; which will beſt appear by my own Words. " I muſt do that right " to the Ingenious Author of the *Eſſay of Humane Underſtanding*, (from " whence theſe Notions are borrow'd to ſerve other purpoſes than he intend- " ed them,) that he makes the caſe of Spiritual and Corporeal Subſtances to " be alike. It was too plain that the bold Writer againſt the *Myſteries of our Faith* took his Notions and Expreſſions from thence, and what could be ſaid more for your Vindication, than that he turned them to other purpoſes than the Author intended them? And the true Reaſon why the *Plural Number* was ſo often uſed by me, was becauſe he built upon thoſe which he imagin'd had been your grounds, and my buſineſs was to ſhew that thoſe Expreſſions of yours, which ſeemed moſt to countenance his method of Proceeding could not give any reaſonable Satisfaction. But you ſay, *You do not place Certainty only in* P. 57. *clear and diſtinct Ideas; but in the clear and viſible Connection of any of our Ideas.* And *Certainty of Knowledge*, you tell us, *is to perceive the Agreement or Diſagreement of Ideas, as expreſſed in any Propoſition.* Whether this be a true account of the *Certainty of Knowledge* or not, will be preſently conſider'd. But it is very poſſible he might miſtake or miſapply your Notions; but there is too much reaſon to believe, he thought them the ſame, and we have no reaſon to be ſorry, that he hath given you this occaſion for the explaining your Meaning, and for the *Vindication* of your ſelf in the matters you apprehend I had charged you with: And if your Anſwer doth not come fully up in all things to what I could wiſh, yet I am glad to find that in general you own *the Myſteries of the Chriſtian Faith*, and the *Scriptures* to be the *Foundation and Rule of it.* For thus you conclude your Book, in the laſt Paragraph of the *Poſtſcript.*

P. 226. *The Holy Scripture is to me, and always will be the conſtant Guide of my Aſſent, and I ſhall always hearken to it, as containing infallible Truth relating to things of the higheſt Concernment. And I wiſh I could ſay there were no Myſteries in it; I acknowledge there are to me, and I fear always will be. But where I want the Evidence of things, there yet is ground enough for me to believe, becauſe God hath ſaid it: And I ſhall preſently condemn and quit any Opinion of mine, as ſoon as I am ſhewn that it is contrary to any Revelation in the Holy Scripture.*

Which Words ſeem to expreſs ſo much of a Chriſtian Spirit and Temper, that I cannot believe you intended to give any advantage to the Enemies of the *Chriſtian Faith*; but whether there hath not been too *juſt occaſion* for them to apply them in that manner is a thing very fit for you to conſider. For in an age wherein the *Myſteries of Faith* are ſo much expoſed by the Promoters of *Scepticiſm* and *Infidelity*, it is a thing of dangerous conſequence to ſtart ſuch new methods of *Certainty* as are apt to leave mens minds *more doubtfull* than before; as will ſoon appear from your own Conceſſions. For if the ground of Certainty

tainty be resolved into *the Agreement and Disagreement of the Ideas as expressed in any Proposition*; is it not natural enough from hence to infer, that from whencesoever this *Proposition* comes, I must judge of it by *the Agreement or Disagreement of the Ideas* contained it: You make a Distinction between the *Certainty of Truth* and *the Certainty of Knowledge*. The former you say, *Is when Words are so put together in Propositions as exactly to express the Agreement or Disagreement of the Ideas they stand for:* and the latter, *When we perceive the Agreement or Disagreement of Ideas, as expressed in any Proposition.* But our question about *Certainty* must relate to what *we perceive*, and the means we have to judge of the Truth and Falshood of Things as they are expressed to us; which you tell us, *Is by the Agreement or Disagreement of the Ideas in the Proposition.* And in another place, *Where ever we perceive the Agreement or Disagreement of any of our Ideas, there is certain Knowledge; and when-ever we are sure those Ideas agree with the Reality of Things, there is certain real Knowledge:* and then conclude, *I think I have shewn wherein it is that Certainty, real Certainty, consists, which, whatever it was to others, was, I confess, to me heretofore, one of those Desiderata which I found great want of.* So that here is plainly a new Method of Certainty owned, and that placed in *the Agreement and Disagreement of Ideas.* But the Author already mention'd professes to go upon the same grounds, and therefore it was necessary for me to examine them.

Book 4. Ch. 6. Sect. 3.

Ch. 4. Sect. 18.

He saith, *That the simple and distinct Ideas we receive by Sensation and Reflection are the sole Matter and Foundation of all our Reasoning*; and that *our Knowledge is in Effect nothing else but the Perception of the Agreement or Disagreement of our Ideas.* And *that where our Perception is not immediate, our Certainty comes from the clear and visible Connexion of Ideas.* For he saith, *That if the Connexion of all the intermediate Ideas be not indubitable, we can have no Certainty.* Wherein now do his grounds of Certainty differ from yours?

Christianity not Myst. p. 10.

P. 12.

P. 13.

But *he applies them to other Purposes.* I grant he doth so, and that was it which I had said for your Vindication. But the question now is, whether your general expression had not given him too much occasion for it?

It is true, that *Ch.* 3. he distinguishes *the means of Information* from *the ground of Perswasion*; and he reckons all Authority *Divine* as well as *Humane* among *the means of Information:* and the *ground of Perswasion* he makes to be nothing but *Evidence*; and this *Evidence*, he saith lies in our *Ideas*, Ch. 4. in the *Agreement or Disagreement of them*, p. 19. and he places *Certainty* in *our clear Perceptions of this Agreement or Disagreement*, which you call *clear and visible Connexion of Ideas.* And wherein then lies the difference as to the grounds of Certainty?

But his design is *to overthrow the Mysteries of Faith.*

This is too true. But upon what *grounds?* Is it not upon this Principle, *that our Certainty depends upon the clear Perception of the Agreement or Disagreement of Ideas in any Proposition?* Now let the Proposition come to us either by *Humane* or *Divine Authority:* If our Certainty depends upon this, we can be no more certain, than we have clear *Perception of the Agreement or Disagreement of the Ideas contained in it*; and so he thought he had reason to reject all Mysteries of Faith, which are contained in Propositions upon your grounds of Certainty.

But you say, you own *the infallible Truth of the Scriptures, and that where you want the Evidence of Things there is ground enough for you to believe, because God hath said it.* I do verily believe you, because I have a far greater Opinion of your Sincerity and Integrity than I see reason for, as to the other Person who pretends mightily to own the Authority of Scripture at the same time when he undermines it. For his Words are, *The Authority of God or Divine Revelation is the Manifestation of Truth by Truth it self, to whom it is impossible*

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to lye, p. 16. But when he comes to ſtate the point, how far we are to believe upon Divine Revelation, he hath theſe Words, *Sect.* 2. *ch.* 1. *n.* 10. The natural Reſult of what hath been ſaid is, *That to believe the Divinity of Scripture, or the Senſe of any Paſſage thereof without rational Proofs, and an evident Conſiſtency is a blameable Credulity, and a temerarian Opinion ordinarily grounded upon an ignorant and wilful Diſpoſition.* And in the next Chapter he ſaith, *That Revelation is not a neceſſitating Motive, but a mean Information. Not the bare Authority of him that ſpeaks, but the clear Conception I form of what he ſays is the ground of my Perſuaſion.* And again, *Whoever reveals any thing, his words muſt be intelligible, and the matter poſſible. This rule holds good, let God or Man be the Revealer. As for unintelligible Relations, we can no more believe them from the Revelation of God, than from that of Man.* Sect. 2. ch. 2. n. 16. p. 42.

But what are all theſe things to you, who own, *That where you want the Evidence of things, the Authority of Revelation is ground enough for you to believe.* I do not impute them to you, but I muſt ſay, that he alleges no ground for his ſayings but your ground of Certainty: For in the ſame Page he ſaith, *That the conceived Ideas of things are the only ſubjects of Believing, Denying, Approving, and every other act of the Underſtanding.* All the difference we ſee is, that he applies that to *Propoſitions in Scripture*, which you affirm'd of *Propoſitions in general*, viz. that our Certainty depends upon *the clear Perception of the Agreement or Diſagreement of the Ideas contained in them.* But I ſhall do you all the Right I can, as to this matter, by ſhewing what Reaſon I had to ſay, that *your Notions were turned to other purpoſes than you intended them*, and that I ſhall make appear from ſeveral paſſages in the ſame Book.

B. 4. ch. 3. Sect. 23. 1. You own the great Defects of *Humane Knowledge*, notwithſtanding the *ſimple Ideas* we have by Senſation or Reflection. And from theſe things,

1. The Paucity and Imperfection of our Ideas in general; becauſe our Senſation and Reflexion goes ſo little a way in reſpect of the vaſt extent of the Univerſe; and the infinite Power and Wiſdom of the Creator of it: So that what we ſee in the intellectual and ſenſible World, holds no proportion to what we ſee not: and whatever we can reach with our Eyes or our Thoughts of either of them, is but a point almoſt nothing in compariſon of the reſt.

Sect. 24, &c. 2. The want of Ideas which we are capable of, becauſe although we have Ideas in general of *Bulk*, *Figure* and *Motion*; yet we are to ſeek as to the particulars of them in the greateſt part of the Bodies of the Univerſe; although we daily ſee their Effects. And that becauſe of the Diſtance and Remoteneſs of ſome, and the Minuteneſs of others, and therefore we cannot come to a ſcientifical Knowledge in Natural Things, much leſs to that of Spiritual Beings, of which we have only ſome few and ſuperficial *Ideas*.

Sect. 28. 3. Want of a diſcoverable Connexion between thoſe Ideas we have. Becauſe the Mechanical Affections of Bodies have no Affinity at all with the *Ideas* they produce in us; there being no conceivable Connexion between any Impulſe of any ſort of Body, and any Perception of any Colour or Smell which we find in our Minds. And ſo the Operations of our Minds upon our Bodies are inconceivable by us; And the Coherence and Continuity of Parts of Matter; and the original Rules and Communication of Motion, are ſuch as we can diſcover no natural Connexion with any Ideas we have.

Sect. 30. 4. Want of finding out ſuch intermediate Ideas, which may ſhew us the Agreement or Diſagreement they have one with another. And this for want of due Application of Mind in acquiring, examining and due comparing thoſe Ideas; and by ill uſe of Words, which have ſo much perplexed and confounded Mens underſtanding.

Book 4. Ch. 17. Sect. 1. 2. You own the many Failings in our Reaſon. By which you underſtand two Faculties in our Minds, *viz. Sagacity*, and *Illation*; the one finding out, and the other ordering the intermediate Ideas; ſo as to diſcover the Connexion between

between them. But Reason, you say, *fails where our Ideas fail us*, and because of the *Obscurity, Confusion or Imperfection of our Ideas*, both as to Matter and our Minds, and the Divine Operations; and for want of intermediate Ideas; and by proceeding upon false Principles and dubious Expressions. Sect. 9. Sect. 10. Sect 11.

3. As to *Propositions* you own these things; Sect. 12.

1. Those are according to Reason, whose Truth we can discover, by examining and tracing those Ideas we have by Sensation or Reflexion; and by natural Deduction find to be true or probable. B. 4. ch. 17. 1. Sect. 23.

2. Those are above Reason, whose Truth or Probability we cannot by Reason derive from those Principles.

3. Those are contrary to Reason, which are inconsistent with, or irreconcileable to our clear and distinct Ideas.

4. As to *Faith* and *Divine Revelation* you own,

1. That Faith is the Assent to any Proposition, not thus made out by deductions of Reason, but upon the Credit of the Proposer, as coming immediately from God which we call Revelation. B. 4 ch. 18. Sect. 2.

2. That things *above Reason* and not contrary to it, are properly Matters of Faith, and to be assented to on the Authority of Divine Revelation.

Thus far I have endeavoured with all possible Brevity and Clearness to lay down your Sense about this matter. By which it is sufficiently proved that I had reason to say, that your Notions were carried *beyond your Intention.*

But you still seem concerned *that I quote your Words*, although I declare, that they were used to other purposes than you intended them. I do confess to you, that the Reason of it was, that I found your Notions as to *Certainty by Ideas* was the main Foundation which the Author of *Christianity not Mysterious* went upon; and that he had nothing which look'd like Reason, if that Principle were removed; which made me so much endeavour to shew that it would not hold. And so I suppose the Reason of my mentioning your words so often is no longer a *Riddle* to you. P. 59. P. 62.

I now proceed to other particulars of your *Vindication.*

Among other Arguments against this Principe of Certainty, I instanced in the *Being of Spiritual Substances within our selves, from the Operations of our Minds, which we do perceive by Reflexion, as Thinking, Doubting, Considering*, &c. This Argument I yielded to be very good; but that which I urged from thence was, that it could not be from those *simple Ideas* of the Operations of the Mind; because you had affirmed that it is impossible for us by the Contemplation of our Ideas to be certain without Revelation that a material Substance cannot think. This is a point, in my apprehension, of great consequence, and therefore I must more strictly examine what you say in answer to it.

Which is, *That thinking is inconsistent with the Idea of Self-subsistence, and therefore hath a necessary connexion with a Support or Subject of Inhesion*; i. e. If there be Thinking there must be something that Thinks. P. 65.

But the question is, Whether that Something be a Material or Immaterial Substance? *But this Thinking Substance is in your sense a Spirit.* The question I put is, whether *Matter* can think or not? If not, then the Substance which thinks must be *Immaterial*; if it can think, then there can be no evidence from the *Idea of Thinking* to prove the Substance which thinks to be *Immaterial.*

This I take to be plain Reasoning; which you must allow, because it is about *the Agreement or Disagreement of two simple Ideas*, viz. *Matter* and *Thinking.*

But you say, *That the general Idea of Substance being the same every-where, the Modification of Thinking, or the Power of Thinking joyned to it makes it a Spirit, without considering what other Modification it has, as whether it has the Modification of Solidity or not. As on the other side, Substance, which hath the Modification of Solidity is Matter, whether it has the Modification of Thinking or not. And therefore if I mean by a Spiritual and Immaterial Substance, you grant* P. 66.

that you have not proved, nor upon your Principles can it be demonſtratively proved, that there is an Immaterial Subſtance in us that thinks.

I have thus ſet down your own Words, that you may not complain I have done you Injury. But when you put in *demonſtratively proved*, I ſuppoſe you mean *in the way of Certainty by Ideas*; for concerning that our diſpute is. And therefore when you add, *That you expect that I ſhould conclude it demonſtrable from Principles of Philoſophy*, you muſt give me leave to ſay, this is going off from the buſineſs before us; which is about *your Principles of Certainty from Ideas*; for it was only to that purpoſe, that I brought this argument to prove, that we cannot from our Ideas be certain of one of the points of greateſt importance, *viz.* that there is a Spiritual Subſtance within us; and yet the operations of our Mind are made one of the Sources of thoſe *ſimple Ideas*, which are made by you the Foundation of Knowledge and Certainty. So that the point before us is, whether this Aſſertion of yours, *That the Power of Thinking may belong to modified Matter*, doth not overthrow your *Certainty* by *Ideas*?

Id. p. 74. 82.

No, ſay you, that which you are certain of by the Idea is only, *That there is in us a Spiritual Subſtance*, and that, you ſay, implies no more than a *Thinking Subſtance*, i. e. that by Thinking you can prove you have a Power of Thinking, which I believe may be *demonſtratively proved*.

But I pray Sir, conſider how this queſtion aroſe, it was from your diſtinguiſhing *Spiritual* and *Corporeal Subſtances* from each other; and ſaying that *we have as clear a Notion of a Spirit as we have of a Body*. Againſt this I urged, that if it be poſſible for Matter to think, which you aſſert, then from the Idea of Thinking, we cannot prove the Certainty of a Spiritual Subſtance within us, where it is plain, that a *Spiritual Subſtance* is oppoſed to the *Power of Matter*. It is not whether *Matter ſo modified can think*, but whether *Matter can think*; and let it be *modified* how it will, *Matter* is *Matter* ſtill. *But the Power of Thinking makes it a Spirit*, ſay you. But doth it ceaſe to be Matter or not? If not, then it is Matter ſtill endued with a Power of Thinking; and ſo our Idea can be no other, than of a Material Thinking Subſtance. But you ſay further, *That the Power of Thinking makes it a Spirit, without conſidering what other Modifications it has, whether it has the Modification of Solidity or not.* That is, " Although it be really a *Material Subſtance*, yet the Modification of " Thinking makes it a *Spiritual Subſtance*; for we are to go no farther than " that *Modification of Thinking*, and from thence we are to conclude it to be " a *Spiritual Subſtance*. But we are now enquiring not into the bare *Modification of Thinking*; but whether from thence we can prove an *Immaterial Subſtance* within us, or which is all one, a *Spiritual Subſtance* as oppoſed to *Corporeal*, which is your own Diſtinction. And that I may not be thought to do you injury, I ſhall produce your own Words.

B. 2. Ch. 23. Sect. 15.

By the ſimple Ideas we have taken from our own minds we are able to frame the complex Idea of a Spirit. And thus by putting together the Ideas of Thinking, Perceiving, Liberty and Power of moving themſelves, we have as clear a Perception and Notion of Immaterial Subſtances, as well as Material. So that here we have two things clear.

1. That a *Spirit* and *Immaterial Subſtance* are the ſame.

2. That from the *Operations of our Minds*, we have a *clear Idea* of an *Immaterial Subſtance* within us.

Sect. 17.

Again you ſay, *That the primary Ideas we have of Body as contradiſtinguiſhed to Spirit, are the Coheſion of ſolid and conſequently ſeparable parts, and a Power of communicating Motion by Impulſe. Theſe you think are the Original Ideas proper and peculiar to Body.* Here *Body* is *contradiſtinguiſhed to Spirit*; and as it is ſo, *the Coheſion of ſolid and ſeparable Parts* is made one of the *original Ideas* proper and peculiar to Body *as diſtinguiſhed* from *a Spiritual Subſtance*: How then, I pray, can a *Spiritual Subſtance* conſiſt of *ſolid and ſeparable Parts*? For

what

whatever is *ſolid*, you grant to be *conſequently ſeparable*. This ſeems to me to confound the ideas of *Body and Spirit*, which you had taken ſo much care to diſtinguiſh; and ſo muſt deſtroy all Certainty of a Spiritual Subſtance from your *Ideas*. For although the bare *ſimple Idea* of *Thinking* may be ſaid to be diſtinct from that of a *ſolid Body*; yet it is impoſſible from that *Idea* ſo explained to prove a *Spiritual Subſtance*, as diſtinct from Body. Which was the thing I intended to prove.

But you go on to compare the *Complex Idea* of *Spirit* and *Body* in theſe Words; *Let us compare then our Complex Idea of Spirit, without our Complex Idea of Body. Our Idea of Body is an extended ſolid Subſtance, capable of communicating Motion by Impulſe; and our Idea of our Souls is of a Subſtance that thinks and has a Power of exciting Motion in Body by Will and Thought. Theſe you think are our Complex Ideas of Soul and Body as contradiſtinguiſhed.* Here you do not ſpeak of the bare *Ideas* of *Thinking* and *Solidity*; but of the *different Subſtances*, and one is ſaid to be a *ſolid Subſtance* and the other *a Subſtance that thinks.* Sect. 22.

I ſhall add one paſſage more to the ſame purpoſe.

The Idea we have of Spirit compared with that we have of Body, ſtands thus. The Subſtance of Spirit is unknown to us, and ſo is the Subſtance of Body equally unknown to us. Here we have again *the Subſtance of Spirit* and the *Subſtance of Body* diſtinguiſhed from each other; and not the bare *Modifications*. So that I need no body to anſwer you but your ſelf. But leaſt ſuch expreſſions ſhould be thought a mere *ſlip of the Pen*; you are pleaſed again to aſſert *the Notion of an Immaterial knowing Subſtance to imply no more of a Contradiction than an extended diviſible Body.* Sect. 30. Sect. 31.

And yet after all this you confeſs, *That you have not proved an Immaterial Subſtance, and that it cannot be proved upon your Principles.* P. 67.

What is the meaning of this? I cannot think you intended to leſſen the Authority of your Book in ſo conſiderable a part of it: And I ſhould much rather have thought the latter Paſſage a *ſlip of your Pen*, but that in your Letter you go about to defend it. Therefore I muſt attend your Motions in it.

You ſay, *That all the great ends of Religion and Morality are ſecured barely by the Immortality of the Soul without a neceſſary ſuppoſition that the Soul is Immaterial.* P. 68.

I am of opinion, that the *great ends of Religion and Morality are beſt ſecured* by the Proofs of the *Immortality of the Soul* from its *Nature and Properties*; and which I think prove it *Immaterial*. I do not queſtion whether God can give *Immortality* to a *Material Subſtance*; but I ſay it takes off very much from the evidence of Immortality, if it depend wholly upon God's giving that, which of its own Nature it is not capable of. For if the *Soul* be a *material Subſtance* it is really nothing but *Life*; or Matter put into Motion with ſuch Organs and Parts as are neceſſary to hold them together; and when Death comes, then this *Material Subſtance* ſo modified is loſt. God may by his Power grant a new Life; but will any man ſay, God can preſerve the Life of a Man when he is dead? This is a plain Abſurdity, and I think no ſuch thing tends to *preſerve Religion or Morality.*

Mr. *Hobbes* ſpeaks very conſonantly to his own Principles (although not to thoſe of *Religion* and *Morality*.) For he ſaith, *That the univerſe being the Aggregate of all Bodies, there is no real part of it that is not alſo a Body.* And ſo he ſaith, *That Subſtance and Body ſignifie the ſame thing, and therefore Subſtance Incorporeal are Words which deſtroy one another.* But what then is a *Spirit? That*, he ſaith, *in the proper ſignification of it in common Speech, is either a ſubtle, fluid, inviſible Body, or a Ghoſt, or other Idol or Phantaſm of the Imagination.* But is there not an *Immortal Soul* in Man? *The Promiſe of Immortality*, ſaith he, *is made to the Man and not to the Soul*; and *Immortal Life doth not begin in Man* Leviath. ch. 34.

till the Resurrection. From whence it is plain, he look'd on the Soul as nothing but the *Life*; and so he saith, *That Soul and Life in Scripture do usually signifie the same thing.* And in the Vindication of his *Leviathan*, he saith, *That his Doctrine is, that the Soul is not a separated Substance, but that the Man at his Resurrection shall be revived.* And he answers that place, *Fear not them which kill the Body, but cannot kill the Soul*; thus, *Man cannot kill a Soul, for the Man killed shall revive again.* I think he might as well have said, *That Man cannot kill the Body*; for that shall be *revived* at the *Resurrection.*

Leviath. ch. 38.

Vindicat. of Leviath. p. 90, 91.

But what is all this to you? I hope nothing at all. But it shews, that those who have gone about to overthrow *the Immortality of the Soul by Nature*, have not been thought *to secure the great ends of Religion and Morality.*

And although we think the separate State of the Soul after Death is sufficiently revealed in Scripture, yet it creates a great difficulty in understanding it, if the Soul be nothing but *Life*, or a *Material Substance* which must be dissolved when Life is ended. For if the Soul be a *Material Substance* it must be made up as others are, *of the Cohesion of solid and separate Parts*, how minute and invisible soever they be. And what is it which should keep them together, when Life is gone? So that it is no easie matter to give an account, how the Soul should be capable of *Immortality*, unless it be an *Immaterial Substance*; and then we know the Solution of the Texture of Bodies cannot reach the Soul being of a different Nature.

And this is no more than what the wisest and most intelligent *Philosophers* have asserted, merely from the consideration of the Nature and Properties of the Soul: as you very well know; and I need not for your sake, run into such a Digression, (or as you call it, *step out of my way*) any farther, than you give occasion for it in what follows. For you tell me, *You have great Authorities to justifie your using a Spiritual Substance without excluding Materiality from it.* And for this you refer me to two great men indeed among the *Romans*, *Cicero* and *Virgil.* I was surprized at what you say out of *Cicero*, having been no stranger to his Writings about these matters, and I have consulted the place you refer to; where you say that he opposes *Corpus* to *Ignis* and *Anima*, i. e. Breath; and that the Foundation of his distinction of the Soul from the Body is, *because it is so subtle as to be out of Sight.* It is a very easie matter to multiply Citations out of *Cicero*, where *Spiritus* and *Anima* are both taken for Breath; but any one who will but read the very beginning of his *Tusculan Questions*, may understand his meaning. For in the Entrance of that Dispute he takes *Animus* for the Soul, and neither *Anima* nor *Spiritus*: and he tells us, there were two opinions about it at Death. Some held a *Dicessus Animi à Corpore*, a departure of the Soul from the Body, others said, that the Soul never departed, but was extinguished with Life: and the several opinions he sets down at large, *Ch.* 9, 10. and then *Ch.* 11. he summs up the different opinions; and saith he, *If it be the Heart, or Blood, or Brain; because it is a Body, it will be extinguished with it: If it be* Anima, *the Vital Breath, it will be dissipated; if it be Fire, it will be extinguished.* It is true, he distinguishes here the *Vital Breath* from the *Body*; and no one questions such a distinction of the Animal and Vital Spirits from the grosser parts of the Body; but all this proceeds upon the Supposition of those who held nothing to survive after Death; but then he goes on to those who held the Souls, when they are gone out of their Bodies, *to go to Heaven as their proper Habitation.* And here he plainly supposes the *Soul* not to be a *finer sort of Body*, but of a different Nature from the Body which it leaves. *Nam Corpus quidem*, saith he, *quasi vas est & receptaculum Animi*, C. 22. and elsewhere he calls the Body the Prison of the Soul, *C.* 30. and saith, *That every wise Man is glad to be dismissed out of the Bonds and Darkness of it*: and his business in the Body is *secernere Animum à Corpore*, to draw off the Soul from the Body; which the Philosophers called *Commentatio mortis*, i. e.

P. 69.

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a *Continual Exercise of Dying*; therefore, saith he, *Disjungamus nos à Corporibus, id est, consuescamus mori.* Is it possible now to think so great a Man look'd on the *Soul* but as a *Modification of the Body*, which must be at an end with Life? Instead of it, there are several things very remarkable in this very Book concerning the *Immortality* of Souls by Nature.

1. He extremely despises those who made the Soul a mere Mode of Matter which was extinguished with Life; and he saith, they were *Plebeii Philosophi*, *Ch.* 23. a mean sort of Philosophers, and in another place *minuti Philosophi*, De Senect. c. 23. *who held there was no Sense after Death.* But he represents *Cato* there, as weary of *the Noise and Filth of this World*, and *longing to go to far better Company. O præclarum diem, cum ad illud Divinum Animorum Concilium Cœtumq; proficiscar, atq; ex hàc turbâ & colluvione discedam!* Did these men look on the Souls of Men, as mere *Modifications of Matter?*

2. He urges the *general Consent* of *Nations* for the *Permanency* of Souls after Death. *c.* 16. and he affirms Nature it self *de Immortalitate Animorum tacitè judicare*, c. 14. And I do not think the general Consent of Mankind in this Matter, so uncertain, or so slight an argument, as some have made it; even since *the late Discoveries:* as I think it were no hard Matter to prove; but I shall not here *go out of my way to do it.*

3. The most ancient Philosophers of *Greece* held the same opinion as he shews from *Pherecydes*, *Pythagoras*, *Socrates*, *Plato*, &c. c. 16, 17, &c. and they went upon far better *Reasons* than the other, as he proves at large, *c.* 21, 22, 23.

4. That the Bodies and Souls of Men have a different Frame and Original. *Our Bodies*, he saith, *c.* 19. are made of *Terrestrial Principles*; but the Souls, he saith, are of *a divine Original*; and *if we could give an account how they were made, we should likewise how they were dissolved*, c. 14. as we may of *the Parts and Contexture of Bodies*; but saith he, *Animorum nulla in terris origo inveniri potest, nihil est enim in animis mixtum atque concretum, aut quod ex terra natum atque fictum esse videatur*, c. 27. So that here he plainly makes a Difference between our *Bodily Substance*, and that of our *Souls*, which have no bodily Texture and Composition: because there is no material Substance, which can reach to the wonderful Faculties and Operations of the Soul, and therefore he concludes in these words, *Singularis est igitur quædam natura atque vis animi sejuncta ab his usitatis notisque naturis.* What can express the Soul to be of a different Substance from the Body, if these words do it not? And presently adds, *That the Mind is of a divine and Spiritual Nature and above Material Composition as God himself is.*

I hope this may give you satisfaction as to *Cicero*, how far he was from making the Soul a *Material Substance.* And the only place you produce out of him *c.* 22. proves nothing but *that the Soul is invisible*, as you may see by looking upon it again.

As to *Virgil*, you quote that Expression, *Dum Spiritus hos regit artus*; where it is taken for the *Vital Spirit*: which sense I know no body questions; and so *Tully* expresses Life, *quæ Corpore & Spiritu continetur*, and opposes it to a Life of Immortal Fame, which he there speaks of, *Pro Marcello*, c. 9. but the only matter in debate is, Whether they excluded any other Notion of *Spirit*, which was not done, as I have made it appear concerning *Cicero*, and so I shall of *Virgil* too.

For soon after, *Æneid* 4. 385. he hath these Words.

Et cum frigida mors Animæ seduxerit Artus,
Omnibus Umbra locis adero, dabis improbe pœnas.

Which shews that *Virgil* did believe *the Soul* to be more than a mere *Vital Spirit*, and that it subsisted and acted in a separate State: And it is observed by *Servius*, that *Virgil* uses *Spiritus*, *Mens* and *Animus* for the same. In *Æneid* 6. 726.

Spiritus

Spiritus intus alit, totamq; infusa per artus.
Mens agitat molem ——.

And he proves, that *Virgil* asserted *the Immortality of Souls*, and answers the arguments against it; and *as far as he could understand*, he saith, *that our Bodies are from the Elements and our Souls from God*; and *the Poets intention was, Ut Animos immortales diceret.* So that neither *Cicero* nor *Virgil* do you any kindness in this matter, being both Assertors of the *Souls Immortality* by *Na-*
P. 17. *ture.* If these will not do, you bring me to *Scripture*, and say, that *Solomon himself speaks after the same manner about Man and Beast, as the one dieth, so dieth the other, yea, they have all one Spirit*, Eccles. 3. 19. I will not dispute about the proper Sense of the Hebrew Word, but I must about *Solomon's Sense.* For although he makes Life and Death common to *Man and Beast*; yet he saith, v. 21. *The Spirit of a Man goeth upward, and the Spirit of a Beast goeth down to the Earth.* But you say, *If the Notion of a Spirit excludes Materiality, then the Spirit of a Beast must be Immaterial, as well as that of a Man.* I answer, that although the bare *Word* doth not prove it, yet the design of *Solomon's* Discourse doth, and so *the going upward of the Spirit of a Man* must be understood in a very different Sense, from *the going downward of the Spirit of a Beast.* For he saith concerning Man, *That the Spirit shall return to God that gave it*, c. 12. 7. To what purpose? To be dissipated in the common Air? or to be lost in the vast Confusion of Matter? no, but he concludes his Book thus; v. 14. *For God shall bring every Work into Judgment with every secret thing, whether it be good, or whether it be evil.* If these be *Solomon's* Words, as no doubt they were, and he were a Man of Sense, and laid his Sayings together, as no doubt he did; these last Words must interpret the foregoing, and his other Sayings be made Consonant to this. *Yes*, you may say, *This relates to the general Judgment, and not to the Soul's Subsistence after Death.* But *Solomon* speaks of the *Spirit of a Man going upward at Death, and returning to God that gave it:* What Sense is there in this, if it be a *Material Substance* which vanishes and is dissolved then? And if the Soul be not of it self a free, thinking Substance, I do not see what Foundation there is in Nature for a Day of Judgment. For where there is nothing but *Matter*, there is no *Freedom* of acting; where there is no Liberty, there is no *Choice*; where there is no *Choice*, there is no room for *Rewards* and *Punishments*, and consequently no *Day of Judgment.* But *Solomon* positively concludes, there will be a Judgment to come as to *good and evil Actions* in another World, and therefore he must be understood in those Expressions, to mean a *Free* and *Thinking*, and consequently an *Immaterial Spirit* in us.

P. 72. But you urge farther, *That our Saviour himself opposes Spirit* to *Flesh* and *Bones*, Luk. 24. 39. i. e. *to such a gross Compages as could be seen and felt.* The question then was, whether it were the real Body of Christ or only an *Appearance* of it; and how could this be resolved better than our Saviour doth? *Handle me and see, for a Spirit hath not Flesh and Bones as you see me have. But he calls this a Spirit.* What follows? Therefore *a Spirit is only an Appearance?* I do not think that is your meaning. And no body questions but the name of *Spirits* is sometimes given to *Apparations.* But this is far from our case, which is, whether that *real Spiritual Substance* we find in our selves be *Material* or not? Doth a *Spiritual Substance* imply Matter in its *Idea* or not? You cannot say it doth: Then it may be *Immaterial:* But how come we to know things but by their distinct *Ideas?* Is the *Idea* of *Matter* and *Spirit* distinct or not? If not, to what purpose do we talk of Knowledge by *Ideas* when we cannot so much as know *Body* and *Spirit* from each other by them?

P. 73. Is it then any Absurdity to call a *Spiritual Substance Immaterial?* No, you say, *You would not be thought to affirm, that Spirit never does signifie a purely Immaterial Substance; for in that Sense the Scripture attributes the Notion of Spirit*

to God, and you have proved from your Principles, that there is a Spiritual Immaterial Subſtance. And this you think proves an *Immaterial Subſtance in your way of Ideas.* But of that afterwards. We are yet upon the proving an *Immaterial Subſtance* in our ſelves *from the Ideas we have by Senſation and Reflection.* Now, I ſay, ſtill this is impoſſible if the *ſpiritual Subſtance* in us *may be material.* And at laſt you grant, *That what I ſay is true, that it cannot upon theſe Principles be demonſtrated.* P. 74. Then ſay I, *Your grounds of Certainty from Ideas* are plainly given up. But you ſay, *it may be proved probable to the higheſt Degree.* P. 75. But that is not the point; for it is not *Probability*, but *Certainty*, that we are promiſed in this *way of Ideas*; and that *the Foundation of our Knowledge* and *real Certainty lies in them*; and is it dwindled into a *Probability* at laſt? The only reaſon I had to engage in this matter was a bold Aſſertion, that *the Ideas we have by Senſation or Reflection are the ſole Matter and Foundation of all our Reaſoning:* and that *our Certainty* lies in *perceiving the Agreement or Diſagreement of Ideas as expreſſed in any Propoſition*; which laſt are your own Words. How can we then be certain where we have no *Ideas* from *Senſation* or *Reflection* to proceed by? As in the preſent caſe. I have a Mind to be reſolved whether the Soul in Man be an *Immaterial Subſtance* or not; and we are to judge of the Truth of it by our *Ideas.* I ask then, What *Idea* you have of the *Soul* by *Reflection?* You anſwer, *That it is a Thinking Subſtance.* But doth this prove it *Immaterial?* You anſwer, *That you cannot be certain, but that it is very probable.* Is not this giving up the *Cauſe* of *Certainty?* But you ſay, *You never offer'd it as a way of Certainty where we cannot reach Certainty.* P. 81. But did you not offer to put us into the *way of Certainty?* What is that, but to attain Certainty in ſuch things, where we could not otherwiſe do it? And what a ſtrange way is this, if it fails us in ſome of the firſt Foundations of the real Knowledge of our ſelves? But you ſay, *If I diſlike your way, you deſire me to ſhew you a better way of Certainty as to theſe points.*

I am ſenſible that you deſign herein, to draw me *out of my way to do you a kindneſs*; P. 81. but I will ſo far gratifie you at this time; and to oblige you the more, I will make uſe of no other Principles or *Ideas*, than ſuch as I meet with in your Book; and from thence I do not deſpair of proving, that we may be certain that a *material Subſtance cannot think.*

And the method I ſhall proceed in, ſhall be to prove it, by ſuch *ways and ſteps* as you have directed me to, although you might not think to find them ſo laid together.

1. From your general Principles as to *Knowledge* and *Certainty.* You ſay, *That all our Knowledge conſiſts in the view the Mind hath of its own Ideas; which is the utmoſt Light and greateſt Certainty, we with our Faculties and in our way of Knowledge are capable of.* Book 4. Ch. 2. Sect. 1. Here you reſolve our *Knowledge and Certainty* into *the view of the Ideas in our Minds*; therefore by thoſe *Ideas* we may come to know the Certainty of things; not in the Frame and inward Eſſence of them, as you often tell us; but by the Powers and Properties which belong to them. *Whatever*, ſay you, *be the ſecret and abſtract Nature of Subſtance in general, all the Ideas we have of particular diſtinct Subſtances, are nothing but ſeveral Combinations of ſimple Ideas.* Book 2. ch. 23. Sect. 6, 14. And you take pains to prove, *That Powers make a great part of our complex Ideas of Subſtances: and their ſecondary Qualities are thoſe which in moſt of them ſerve principally to diſtinguiſh Subſtances one from another; which ſecondary Qualities, as has been ſhewn, are nothing but bare Powers.* Sect. 7. Sect. 8. So that our Knowledge cannot reach the inward ſubſtance of things; and all our Certainty of Knowledge as to them, and their Diſtinction from each other, muſt depend on thoſe Powers and Properties which are known to us.

One would think ſometimes, that you would allow Mankind *no more Knowledge than ſuits with the Conveniences of Life*; but this would overthrow the great deſign of your Book, which is to put us into a way of real Certainty *by* Sect. 12.

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the Agreement or Disagreement of Ideas; and where ever we perceive the Agree-
Book 4. Ch. 4. Sect. 18. *ment or Disagreement of any of our Ideas, there is certain Knowledge.* So that here you own we may come to a Certainty of Knowledge (which is beyond mere Probability) and that *by perceiving the Agreement or Disagreement of Ideas.*

2. If we can find the *Disagreement* of any two *Ideas* upon your own Princi-
B. 3. ch. 10. Sect. 15. ples, we must do those of *Body and Spirit*. For the *Idea of Matter* in general, you say; *That in Truth it contains nothing but the Idea of a solid Substance, which is every-where the same, every-where uniform.* And *that Body stands for a solid extended figured Substance.* So that *Solidity*, *Extension* and *Figure* are the inseparable Properties of Bodies. And in another place you have these Words,
B. 2. ch. 23. Sect. 17. *The primary Ideas we have peculiar to Bodies as contradistinguished to Spirit, are the Cohesion of solid and consequently separable Parts, and a Power of communicating Motion by Impulse. These you think are the original Ideas proper and peculiar to Body, for Figure is but the consequence of finite Extension.* Here we have the *Idea of Body* laid down by your self *as contradistinguished to Spirit.* Therefore by your own confession we may perceive the Disagreement of these two *Ideas* of *Body* and *Spirit*, and consequently may certainly know their Distinction from each other by their inseparable Properties. But if it be possible for *Matter to think*, then these *Ideas* must be confounded: Yet you distinguish the Ideas of a *Material* and *Immaterial Substance* in these Words, *Putting toge-*
B. 2. ch. 23. Sect. 15. *ther the Ideas of Thinking and Willing, and the Power of Motion or Rest added to Substance, we have the Idea of a Spirit; and putting together the Ideas of solid coherent Parts, a Power of being moved, joyned with Substance, we have the Idea of Matter. The one is as clear and distinct an Idea as the other; the Idea of Thinking and Moving a Body being as clear and distinct Ideas, as the Ideas of Extension, Solidity and being moved.* Can any thing now be plainer than the *Disagreement* of these two *Ideas*, by the several Properties which belong to them? But if after all this Matter may *Think*, what becomes of these clear and distinct *Ideas?* And yet you have these Words, *Thus by putting together the Ideas of Thinking, Perceiving, Liberty and Power of moving themselves and other things, we have as clear a Perception and Notion of Immaterial Substances as we have of Material.* Here it is plain, that you make Thinking and Perceiving to be part of the Complex Idea of an *Immaterial Substance.* How is this possible, if a *Material Substance* be capable of Thinking as well as an *Immaterial?* either therefore you must renounce your own Doctrine of Certainty by Ideas, or you must conclude, that Matter cannot think.

B. 2. ch. 11. Sect. 8. 3. But I urge this yet further from your Notion of *Liberty* and *Necessity.* *Liberty*, you say, *is the Idea of a Power in any Agent to do or forbear any Action, according to the Determination or Thought of the Mind, whereby either of them is preferr'd to the other. So that Liberty cannot be, where there is no Thought, no*
Sect. 13. *Volition, no Wish.* And again, *Agents that have no Thought, no Volition at all are necessary Agents.* But you make a *Power of Thinking* and *Liberty* to be parts of the *Complex Idea* of an *Immaterial Substance*, in the Words before cited. But what *Liberty* can you conceive in mere Matter? For you grant, *That Bodies*
B. 2. ch. 28. Sect. 11. *can operate upon one another only by Impulse and Motion*; that *the Primary Qualities of Bodies which are inseparable from it, are Extension, Solidity, Figure and*
Sect. 10. *Mobility from any Body.* Now how can the Idea of *Liberty* agree with these simple Ideas of Body? To be *moved only by Impulse from another Body*; and from *the free Determination of our own Thoughts*; are two Ideas as disagreeing with each other, as we can well imagine. But if Matter may *Think*, it may have *Liberty* too, because you join these together; but if it be uncapable of *Liberty*, which goes along with *Thinking*, how can you imagine it should be capable of Thinking?

B. 2. ch. 27. Sect. 9. I argue, from your Notion of *Personal Identity*, which you place in *self-Consciousness.* For you tell us, *That a Person is a thinking intelligent Being*

that

that has Reason and Reflection; and can consider it self, as it self, the same thinking thing in different times and places; which it does only by that Consciousness, which is inseparable from thinking, and seems to you essential to it. From whence it follows, that if there can be no *Self-consciousness* in Matter, then it cannot think, because it wants that which you say is Essential to it. *It being impossible, for any one to perceive, but he must perceive that he doth perceive.* But what is there like *Self-consciousness* in Matter? Or how is it possible to apprehend that meer Body should perceive that it doth perceive? For Bodies, you say, *operate only by Impulse and Motion*: i. e. one Body upon another. But how can a Body operate upon it self without Motion? Those you call the *Secondary Qualities of Bodies*, are only you say, *the effect of the Powers in some Bodies upon others endued with Sense and Perception.* So that the effects of these Powers in Bodies, or of the Primary Qualities of *Bulk*, *Site*, *Figure*, *Motion*, &c. is not upon themselves but upon other Bodies, either by changing those Primary Qualities in them by different Site, Figure, Motion, &c. or producing those Effects in us, or which we call *Sensible Qualities.* But either of these ways there is no possibility for Matter to operate upon it self in a way of *Self-consciousness.* If then every intelligent thinking Being have this so inseparably belonging to it, that you say, *it is impossible for any one to perceive, without perceiving that he doth perceive*; and it be impossible from the *Idea* of Matter to make out that a meer Body can *perceive that it doth perceive*, I think it is more than probable in the way of Ideas that Matter cannot think.

5. I argue from the power of *Abstracting* which you make proper to a thinking Substance. This is done, say you, *by considering Ideas in the Mind as separate from the Circumstances of Time and Place. And this power of abstracting,* you add, *puts a perfect distinction between Man and Brutes; and is an Excellency which the Faculties of Brutes do by no means attain to.* B. 2. ch. 14. Sect. 9. Sect. 10.

You tell me, *That you did not say the chief Excellency of Mankind lies chiefly, or any ways, in this that Brutes cannot abstract; for Brutes not being able to do any thing cannot be any Excellency of Mankind.* But I hope it is the Excellency of Mankind, that they are able to do what the Brutes cannot: And you say, *This puts a perfect distinction between Man and Brutes*; and I had thought in comparing Man and Brutes that which *put a perfect Distinction was the chief Excellency* with respect to them. But let that be as it will; the thing I insist upon is, the power of *Abstracting* following that of *Thinking* so closely that you utterly deny it to Brutes; but if it may be in the power of Matter to think, how comes it to be so impossible for such Organized Bodies as the Brutes have to inlarge their Ideas by Abstraction? *Pomponatius* thinks to avoid the Argument from Abstraction to prove the Souls Immateriality, by saying, That in the most abstract Speculation the Mind rests upon Particulars; *Universale in singulari speculatur.* But this doth not reach the force of the Argument; which is not, whether the Mind hath not an Eye to Particulars, when it forms Universal Notions; but whether the power of forming such Abstract Ideas from Particulars do not argue a Power which meer Matter can never attain to: And all that Philosopher hath said, doth not amount to the least Proof of it. Letter, p. 27. *De Immort. Animæ*, c. 9.

6. *Lastly*, I argue from the Reason you give, why God must be an *Immaterial Substance.* For these are the words in your Letter. *And the Idea of an Eternal, actual, knowing Being is perceived to have a Connection with the Idea of Immateriality, by the Intervention of the Idea of Matter, and of its actual Division, Divisibility and Want of Perception,* &c. Here the *want of Perception* is owned to be so essential to Matter, that God is therefore concluded to be *Immaterial*; and this is drawn from the Idea and Essential Properties of Matter; and if it be so Essential to it, that from thence you conclude God must be an *Immaterial Substance*, I think the same Reason will hold, as to any thinking Substance. Because the Argument is not drawn from any thing peculiar to the Divine Perfections, but from the general *Idea* of Matter. Let. p. 139. P. 73.

But after all, you tell me, *That God being Omnipotent, may give to a Syſtem of very ſubtil Matter Senſe and Motion.* Your words before were, *a Power to perceive or think*; and about that all our debate runs; and here again you ſay,
P. 66. *That the Power of Thinking joined to Matter, makes it a Spiritual Subſtance.* But as to your Argument from *God's Omnipotency*, I anſwer, That this comes to the ſame Debate we had with the *Papiſts* about the *Poſſibility of Tranſubſtantiation.* For, they never imagin'd, that a Body could be preſent after *the manner of a Spirit* in an ordinary way, but that by *God's Omnipotent* Power it might be made ſo: but our Anſwer to them was, That God doth not change the Eſſential Properties of things while the things themſelves remain in their own Nature: And that it was as repugnant for a Body to be after the manner of a Spirit, as for a Body and Spirit to be the ſame. The ſame we ſay in this Caſe. We do not ſet bounds to *Gods Omnipotency*: For he may if he pleaſe, change a Body into an *Immaterial Subſtance*; but we ſay, that while he continues the Eſſential Properties of Things, it is as impoſſible for Matter to think, as for a Body by Tranſubſtantiation to be preſent after the manner of a Spirit; and we are as certain of one as we are of the other. Theſe things I thought neceſſary on this occaſion to be cleared, becauſe I look on a miſtake herein to be of dangerous Conſequence as *to the great Ends of Religion and Morality: which*, you think, *may be ſecured although the Soul be allowed to be a Material Subſtance*; but I am of a very different Opinion: For if God doth not change *the Eſſential Properties of things*, their Nature remaining; then either it is impoſſible for a *Material Subſtance* to think, or it muſt be aſſerted, that a Power of thinking is within the *Eſſential Properties* of *Matter*; and ſo *thinking* will be ſuch a Mode of *Matter*, as *Spinoza* hath made it: and I am certain you do not think he hath promoted *the great Ends of Religion and Morality.*

I ſhall now proceed to conſider the *Arguments* for proving a *Supream Immaterial Subſtance*, which you freely allow to be ſo. And my Deſign, as I ſaid, was to ſhew, that the certainty of it is not placed upon any clear and diſtinct Ideas, but upon the force of Reaſon diſtinct from it.

P. 87. To this you anſwer, *That Knowledge and Certainty in your Opinion, lies in the Perception of the Agreement or Diſagreement of Ideas, ſuch as they are, and not always in having perfectly clear and diſtinct Ideas.* But thoſe who offer at *clear and diſtinct Ideas*, bid much fairer for *Certainty* than you do; and ſpeak
P. 88. more agreeably to your original grounds of Certainty. For your *Relative Idea*, which you here run to again is no certainty at all from the Idea, but from the plain Evidence of Reaſon, that Accidents cannot ſupport themſelves.

I paſs over all which I think I have ſufficiently anſwered already; as when you ſpend ſo many Pages about *my uſing the Plural Number when your words are only mentioned*, &c. But I ſhall paſs over nothing which may ſeem to an indifferent Reader to require any Farther Conſideration.

P. 101, Whether you took this *way of Ideas* from the Modern Philoſopher mentioned
P. 103. by you, is not at all material; but I intended no *Reflection* upon you in it (for that you mean *by my commending you as a Scholar of ſo great a Maſter*) I never meant to take from you the Honour of your own Inventions; and I do believe you when you ſay, *That you wrote from your own Thoughts, and the Ideas you had there.* But many things may ſeem New to one that converſes only with his own Thoughts, which really are not ſo; as he may find when he looks into the Thoughts of other Men which appear in their Books. And therefore, although I have a juſt Eſteem for the Invention of ſuch who can *ſpin Volumes barely out of their own Thoughts*; yet I am apt to think they would oblige the World more, if after they have thought ſo much themſelves, they would examine what thoughts others have had before them concerning the ſame things, that ſo, thoſe may not be thought their own Inventions, which are common to themſelves and others. If a Man ſhould try all the Magnetical Experiments himſelf and publiſh them as his *own Thoughts*, he might take himſelf to be the

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Inventor of them; but he that examines and compares them with what *Gilbert* and others have done before him, will not diminiſh the Praiſe of his Diligence, but may wiſh he had compared his Thoughts with other Mens, by which the World would receive greater Advantage, altho' he loſt the Honour of being an *Original*.

The Matter of Certainty, you ſay, *one cannot imploy too many Thoughts about*, viz. as to the *finding the true Grounds of it, or wherein it is placed* This I was led to conſider, by our *Unitarians* placing it in *clear and diſtinct Ideas*; and therefore rejecting *the Myſteries of Faith*, becauſe they could not have *clear and diſtinct Ideas* of them. And one wrote purpoſely to ſhew that we were not to believe any *Myſteries in the Goſpel*, becauſe *all our Certainty depended upon the Perception of the Agreement or Diſagreement of thoſe ſimple Ideas which we have by Senſation or Reflection.* Now if theſe Principles of Certainty hold good as to all Propoſitions we can have no Certainty of Faith, where we cannot perceive the Connexion of the Ideas contained in them. I own that you ſay, *That Faith is an Aſſent to any Propoſition not made out by any Deductions of Reaſon, but upon the Credit of the Propoſer.* But this doth not clear the matter; for, is Faith an *Unreaſonable Act*? Is it not an Aſſent to a *Propoſition*? Then if all *certainty* in Acts of Reaſon be derived from the *perceiving the Agreement or Diſagreement* of the Ideas contained *in it*, either there can be no *Certainty* of the Reaſonable Act of *Faith*, or the *Grounds* of *Certainty* muſt be laid ſome other way. But you ſay, *Where you want Evidence of things there is yet Ground enough for you to believe becauſe God hath ſaid it.* Which doth not yet remove the Difficulty, from the true Ground of *Certainty*; for, ſay they, *Revelation is but a means of Information; and God diſcovers by that ſuch Propoſitions, which we could not have found out without Revelation; but wherever Propoſitions are offered to our Underſtandings, we muſt judge of them by our Perception of the Agreement and Diſagreement of the Ideas contained in them. And Faith doth not overthrow Nature. If therefore the Nature of Certainty lies herein we cannot be certain without it.* P. 106.

Is it not enough for you to diſown the Conſequence, but to ſhew that it doth not follow from *your Principles* of *Certainty*? But of this I have ſpoken already, and I love not Repetitions. I only take notice, that you Aſſert and hold to the ſame. *I ſtick to my own plain way of Certainty by Ideas.* And ſo do thoſe who reject *the Myſteries of Faith*, becauſe *not agreeable to their Ideas*, and think they proceed upon your Grounds. P. 107.

But you ſay, *That according to my Rules you know not where to place Certainty*; for in the Account I give of *Des Cartes*, I have theſe words concerning him. Ib.

" The firſt thing he found any Certainty in, was his own Exiſtence, which " he founded upon the Perception of the Acts of his Mind. From hence he " proceeded to enquire how he came by this Certainty, and he reſolved it into " this, that he had a clear and diſtinct Perception of it. And from hence he " formed his general Rule, that what he had a clear and diſtinct Perception of " was true. Which in Reaſon ought to go no farther, than where there is the " like Degree of Evidence; for the Certainty was not grounded on the clear- " neſs of the Perception, but on the plainneſs of the Evidence. Which is of " that nature that the very doubting of it proves it, ſince it is impoſſible that " any thing ſhould doubt or queſtion its own being that had it not. So that " here it is not the clearneſs of the Idea, but an immediate Act of Perception, " which is the true ground of Certainty. And this cannot extend to things " without our ſelves, of which we can have no other Perception, than what " is cauſed by the Impreſſion of outward Objects. But whether we are to " judge according to thoſe Impreſſions doth not depend on the Ideas themſelves, " but upon the Exerciſe of our Judgment and Reaſon about them, which put " the difference between true and falſe, and adequate and inadequate Ideas, ſo

" that our Certainty is not from the Ideas themſelves, but from the Evidence " of Reaſon, that thoſe Ideas are true and juſt, and conſequently, that we " may build our Certainty upon them.

Theſe I acknowledge to be my words; and yet I ſee no Reaſon why I may not *ſtick to them.* But you ſay, *That I have placed the Grounds of Certainty of our own Exiſtence, ſometimes in the plainneſs of Evidence, in oppoſition to the clearneſs of Perception; ſometimes in the immediate act of Perception in oppoſition to the clearneſs of the Idea and the certainty of other things without us in the Evidence of Reaſon, that theſe Ideas are true and juſt in oppoſition to the Ideas themſelves; ſo that ſuch is your Dulneſs you cannot by theſe Rules tell, where to place Certainty.* P. 107.

But all theſe Miſts will eaſily be ſcattered, if you ſet your ſelf a little to conſider the Deſign of my Diſcourſe; which was not, to lay down Rules of Certainty, but to ſhew that the Grounds of Certainty from clear and diſtinct Ideas were not well laid at firſt by *Des Cartes* himſelf. Becauſe he deduced his Rule as to Certainty of other things, from the Evidence he had as to his own Exiſtence, which he had both from immediate Perception and uncontroulable Evidence, when even the Doubting of it neceſſarily proved it. But the main Queſtion was, whether this would reach to other things without us: Yes ſaid he, *the Rule will hold, where-ever there are clear and diſtinct Ideas.* But I ſay the Certainty doth not depend upon the Idea but upon inward Perception and the Evidence founded upon it; and we have not the ſame as to External Objects: For we have no inward Perception of them, nor any Evidence that reſults from our own Beings; therefore the Rule of Certainty is carried beyond the true Ground of it. I do not oppoſe in the former Caſe the *plainneſs of the Evidence* to *the clearneſs of the Perception*; but I ſuppoſe them both as to our own Exiſtence. I ſay indeed after, that it is not the clearneſs of the Idea, but an immediate act of Perception which is the true Ground of Certainty as to our own Exiſtence; but there I take Idea as *Des Cartes* did, for the clear and diſtinct Perception of our Minds, which might reach to other Objects as well as our ſelves; and ſuch an Idea I deny is the Ground of Certainty as to our own Beings, which is founded on an immediate Act of Perception. And when they prove this as to ſuch outward Objects, which we have the Ideas of, they may then carry the Rule ſo far; but I ſay the Caſe is vaſtly differenr, as to a clear Perception we have from our own Acts, and that which we have as the Impreſſions from outward Objects; in the former Caſe we have ſuch an Evidence, as it is impoſſible to doubt of, but the very doubting muſt prove it: Is it the ſame as to the Ideas of External Objects? And as to theſe I do not deny, but we may come to a Certainty: but I ſay, it is not from the Ideas, which may be true or falſe, adequate or inadequate, and whether we may be certain of them or not, depends upon the Exerciſe of our Reaſon and Judgment about them. So that I found the Certainty of Ideas upon Reaſon, and not Reaſon upon the Certainty of Ideas.

And ſo I come more cloſely to conſider the Argument from the *Ideas* as to the Proof of a *Supream Immaterial Subſtance.*

If our Certainty did ariſe from *clear and diſtinct Ideas* then it muſt hold, where we have a *clear and diſtinct Idea*, as it is confeſſed we have concerning God. But this Argument from the Idea will not be allowed in this caſe; it is *denied* by others plainly; but I do not ſay that it is *denied by you*, but that it is made *a doubtfull thing.* Which comes to the ſame, in the point of Certainty: and ſo *the force of my Argument doth by no means fail.* P. 110.

But you ſay, *That you intended by your words not to deny that the Idea of a moſt perfect Being doth prove a God, but to blame thoſe who take it for the only proof, and endeavour to invalidate all others. For the Belief of a God being the Foundation of all Religion and genuine Morality, you thought no Arguments that* P. 113.

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are made use of to work the Perswasion of a God into mens Minds should be invalidated, which you grant is of a very ill Consequence. P. 114.

Here you must give me leave to ask you, what you think of the universal Consent of Mankind, as to the Being of God? Hath not this been made use of, as an Argument not only by Christians, but by the wisest and greatest Men among the Heathens? And what then would you think of one who shou'd go about to invalidate this Argument? And that by proving, that it hath been discover'd in these latter Ages by Navigation, that there are whole Nations at the Bay of *Soldania*, in *Brasil*, in the *Carribbe Islands*, and *Paraquaria*, among whom there was found no Notion of a God, and even the Author of *the Essay of Humane Understanding* hath done this. B. 1. Ch. 4. Sect. 8.

This cannot be thought a *mere slip of the Pen.* For men do not quote Authors so punctually then. But if it would not be thought *stepping too much out of my way*, I think I could prove that these Instances are very ill chosen, because either they were taken from such as were not sufficiently acquainted with the People and Language of the Country; or that their Testimony is contradicted by those who have been longer among them and understood them better; or lastly that the account given of them makes them not fit to to be a standard for the Sense of Mankind, being a People so strangely bereft of common Sense, that they can hardly be reckoned among Mankind, as appears by the best accounts both of the *Cafres* of *Soldania*, and the *Caiguæ* of *Paraquaria.*

But this would be too much a *Digression* in this place. I return therefore to the argument for proving the Existence of God; and you may plead for your self that your design was only to prove, *That there is no Innate Idea of a God.* But doth not this however take off from the force of an Argument some have used to perswade Men that there is a God? I meddle not with *Innate Ideas*; but have not some Persons of Note, in these Matters, used the Argument from the *Mark and Character of God imprinted on the Minds of Men* to prove his Being? And have you not set your self to disprove it? Ch. 4. Sect. 12.

But I leave this, and come to the argument from the *Idea of God*, concerning which you say, *That though the Complex Idea for which the Word God (whether containing in it the Idea of necessary Existence or no, for the case is the same) will not prove the real Existence of a Being answering that Idea, any more than any other Idea in any ones mind will prove the real Existence of any real Being answering that Idea, yet you conceive it does not hence follow, but that there may be other Ideas by which the Being of God may be proved* P. 119.

And afterwards you offer *to shew that your Proof of a Deity is all grounded on Ideas*, i. e. *from the Ideas of our selves, as we are thinking Beings.* But you confess, that you think, that the argument from the *Idea* will *not hold*, but however you will not give up the argument from *Ideas.* Against which I urged your own argument, *That from the Consideration of what we find in our selves and in our Constitutions, our Reason leads us to the Knowledge of this certain and evident Truth, that there is an eternal, most powerfull, and most knowing Being.* All which, I said, I did readily yield; but we see plainly, the Certainty is not placed in the *Idea*, but in good and sound Reason from the Consideration of our selves and our Constitutions. To which you reply, *That you never thought the Consideration of our selves and our Constitutions excluded the Consideration of the Idea of Being or of Thinking, two of the Ideas that make a part of the Complex Idea a Man hath of himself.* But is the Reason you speak of, which leads us from thence to the Knowledge of an eternal, most powerfull, and most knowing Being, contained in the Complex Idea of a Man or not? *A Complex Idea is made up of simple Ideas, all simple Ideas come in by Sensation or Reflection*; and upon comparing these simple *Ideas* our Certainty you say is founded. What *simple Ideas* then are there in Man, upon which you ground the Certainty of this Proposition, That there is a God? I grant you, that there is a Certainty grounded P. 123. P. 125. P. 121. P. 126.

grounded upon our Beings and the Frame of our Natures; but this ſtill I ſay, is a *Certainty* of *Reaſon* and not of *Ideas*.

P. 128. You ſay, *You do not well underſtand what I mean by being not placed in the Idea; for you ſee no ſuch Oppoſition, but that Ideas and ſound Reaſon may ſtand together*, i. e. *in Reaſon rightly managing thoſe Ideas ſo as to produce Evidence by them.* But what need all this great noiſe about *Ideas* and *Certainty*, *true and real Certainty by Ideas*, if after all, it comes only to this, that our *Ideas* only repreſent to us ſuch things, from whence we bring arguments to prove the Truth of things? But the World hath been ſtrangely amuzed with *Ideas* of late, and we have been told, that ſtrange things might be done by the help of *Ideas*, and yet theſe *Ideas* at laſt come to be only common Notions of

P. 127. things, which we muſt make uſe of in our Reaſoning. You ſay, *in that Chapter about the Exiſtence of God, you thought it moſt proper to expreſs your ſelf in the moſt uſual and familiar way, by common Words and Expreſſions.* I would you had done ſo quite through your Book; for then you had never given that Occaſion to the Enemies of our Faith to take up your new way of *Ideas*, as an effectual Battery (as they imagin'd) againſt the *Myſteries of the Chriſtian Faith.* But you might have enjoy'd the ſatisfaction of your *Ideas* long enough, before I had taken notice of them, unleſs I had found them employ'd in doing Miſchief.

P. 132. But at laſt you tell me, *That whether I will call it placing the Certainty in the Idea, or placing the Certainty in Reaſon; or if I will ſay, it is not the Idea that gives us the Argument, but the Argument, it is indifferent to you.* And if you mean no more by your *Certainty from Ideas*, but *a Certainty from Reaſon*, I am not ſuch an unreaſonable Man to diſagree with you.

The next Argument for the Exiſtence of God ſtands thus, as I have ſumm'd it up.

We find in our ſelves Perception and Knowledge. So that there is ſome Knowing, Intelligent Being in the World. And there muſt have been a Knowing Being from Eternity, or an Unknowing; for ſomething muſt have been from Eternity: but if an Unknowing, then it is impoſſible there ever ſhould have been any Knowledge, it being as impoſſible for a thing without Knowledge to produce it, as that a Triangle ſhould make three Angles bigger than two right ones.

To which I added, that allowing the Argument to be good, yet it is not taken from the Idea, but from Principles of true Reaſon, as that no Man can doubt his own Perception; that every thing (we ſee) muſt have a Cauſe; that this Cauſe muſt either have Knowledge or not; if it have, the point is gain'd; if it hath not, nothing can produce nothing, and conſequently a not knowing Being cannot produce a Knowing.

In your Anſwer to this, I muſt firſt take notice of your Exception to that

P. 145. Expreſſion, *Allowing the Argument to be Good*; which you ſay, ſeems to imply that I thought the Argument not to be Good, which was very far from my meaning. For I had ſaid before, *That you brought very good Arguments to prove the Exiſtence of a God in that Chapter:* and afterwards, *That I was far from weakning the force of your Arguments.* And ſo I hope that Exception is removed.

P. 136. *You except not*, you ſay, *againſt my Arguments or Principles of Reaſon:* but

P. 137. you think ſtill, *this is an Argument taken from Ideas:* if you will think ſo, I cannot help it. But you endeavour to ſhew, *That the very Principles you allow are founded upon Ideas:* As that a man cannot doubt of his own Perception; *This*, you ſay, *is by perceiving the neceſſary Agreement of the two Ideas of Perception and Self-Conſciouſneſs.* But I rather think, it is from that Self-Evidence which attends the immediate Perception of our own Acts, which

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is so great, that as S. *Augustin* observes, the Academicks had nothing to say against that kind of Certainty, but only against that which arose from things conveyed by our Senses to our Mind.

Cum enim duo sint genera rerum quæ sciuntur, unum earum quæ per sensus corporis percipit anima, alterum earum quæ per seipsum, multa illi Philosophi garrierunt contra corporis sensus; animi autem quasdam firmissimas per seipsum perceptiones rerum verarum, quale est illud, Scio me vivere, nequaquam in dubium vocare potuerunt. De Trin. l. 15. c. 12.

The next Principle that every thing must have a Cause, must be understoood of the Matter treated of, *i. e.* the things we see and perceive in the World. You say, *It is a true Principle that every thing that hath a Beginning must have a Cause, because by contemplating our Ideas we find that the Idea of Beginning is connected with the Idea of some Operation; and that with the Idea of something operating which we call a Cause, and so the Beginning to be, is perceived to agree with the Idea of a Cause, as is expressed in the Proposition.* Is not here a great ado to make a thing plain by *Ideas*, which was plainer without them? For is not any Man who understands the meaning of plain Words satisfied that nothing can produce it self? or, That what is not cannot make it self to be? And so the evidence doth not depend on the Agreement of the Ideas of Beginning, and Operation, and Cause; but upon the Repugnancy of the contrary Supposition. As in that Principle, *That it is impossible for a thing to be and not to be at the same time:* If you say that this depends upon the Disagreement of the Ideas of Not-Being and Being, it will be to little purpose for me to say any more about it.

But there is one thing which deserves to be consider'd; which is *the Connexion between the Idea of an Eternal, Actual, Knowing Being, with the Idea of Immateriality.* This was the thing I look'd for. And by what means now doth this Connexion between these two Ideas appear? *By the help of an Intermediate Idea.* What is that? *Even the Idea of Matter.* How so? The Idea of Matter you tell us, implies its *Actual Division, Divisibility, and want of Perception*, &c. *which are the Arguments you use in this Proof.* Are they so indeed? And will not the same Ideas prove our Souls to be Immaterial? If *want of Perception* be in the very Idea of Matter, how can Matter be made capable of Perceiving? But I find you do not always attend to the *Agreement or Disagreement of your own Ideas.* But of this before. P. 139.

I proceed to the last Argument I produced to shew, that your Proofs of the Existence of God doth not depend upon Ideas. And the Substance of it I thus put together. If we suppose nothing to be first, Matter can never begin to be; if bare Matter without Motion be Eternal, Motion can never begin to be; if Matter and Motion be supposed Eternal, Thought can never begin to be. For if Matter could produce Thought, then Thought must be in the Power of Matter; and if it be in Matter as such, it must be the inseparable Property of all Matter, which is contrary to the Sense and Experience of Mankind. If only some Parts of Matter have a Power of Thinking, how comes so great a difference in the Properties of the same Matter? What Disposition of Matter is requir'd to Thinking? And from whence comes it? Of which no account can be given in Reason. This I took to be the Force of your Argument, which I said, I was far from designing to weaken: Only I observed that the Certainty of it is not placed upon clear and distinct Ideas, but upon Reason distinct from it; which was the Thing I intended to prove.

But you say, *You do not see but the same proof may be placed upon clear and distinct Ideas, and upon Reason too.* I hope this matter is made a little clearer to you; having so fully shew'd to you before, that in the way of ideas you can come to no Certainty about any Substance, but by Reason as it is distinct from the Ideas; *i. e.* as to Material Substances that your Certainty is resolved into this Principle of Reason, that Accidents cannot subsist without a *Subjectum*. P. 142.

As to Spiritual Substance in us, that depends on two things.

1. That Thinking is only a Mode, and must suppose a Substance.

2. That

2. That Matter cannot think, and therefore it must be an Immaterial Substance; which I have proved from your own Principles.

As to a *Supreme Immaterial Substance*, the evidence depends upon this Reason, that Matter and Motion cannot produce Thought; and therefore an Eternal Thinking Being must be Immaterial. And that Matter and Motion cannot produce Thought, is proved by this Reason, that either it must be an inseparable Property of Matter; or some account in Reason must be given why some part of Matter should think and not others. And doth not all this proceed upon Reason as distinct from Ideas?

And when I said, *That the Certainty of it*, i. e. the Argument *is not placed on clear and distinct Ideas, but upon the force of Reason distinct from it*, I meant *the Certainty from Ideas*, although it were not so clearly expressed as it might have been; but here I observe you call for the *Plural Number*, which you are so offended with in other Parts of your Letter.

The next thing I undertook to shew was, that we can have no clear and distinct Idea of *Nature* and *Person* from *Sensation or Reflection*. Here you spend many Pages to shew that this doth not concern you. Let it be so. But it concerns the Matter I was upon; which was to shew that we must have *Ideas* of these things which we cannot come to by Sensation or Reflection.

My words are, I grant that by Sensation or Reflection we come to know the Powers and Properties of Things. But our Reason is satisfied, that there must be something beyond these, because it is impossible that they should subsist by themselves. So that the Nature of things properly belongs to our
P. 157. Reason, and not to mere Ideas. Still you are at it, *That you can find no Opposition between Ideas and Reason: But Ideas are the Objects of the Understanding, and Understanding is one of the Faculties imploy'd about them.* No doubt of it. But you might easily see that by Reason, I understood, *Principles of Reason*, allow'd by Mankind. Which I think are very different from *Ideas*. But I perceive *Reason* in this Sense is a thing you have no *Idea* of, or one as *obscure* as that of *Substance*. But if you set aside these *common Principles* of *Reason*, your *Ideas* will signifie very little; and will, like Accidents, want a *Substratum* to support them.

But your Notion of *Nature* and *Person* deserves to be more throughly consider'd. Therefore to proceed more clearly in a debate of this Consequence with respect to the *Doctrine of the Trinity* (what-ever you pretend to the contrary) I shall first set down your Notions of *Nature* and *Person* from your own Words, and then enter upon the Examination of them.

P. 165. As to *Nature*, you tell me in short it is this, *That it is a Collection of several Ideas combined into one Complex Abstract Idea. Which when they are found united in any Individual Existing, though joyned in that Existence with several other Ideas, that Individual is truly said to have the Nature of a Man, or the Nature of Man to be in him: for as much as all these simple Ideas are found united in him, which answer the Complex Abstract Idea to which the specifick name Man is given by any one; which Abstract Specifick Idea keeps the same, when he applies the Specifick Name standing for it, to distinct Individuals*, i. e. *no body changes his Idea of a Man, when he says*, Peter *is a Man, from that Idea which he makes the Name Man to stand for, when he makes* John *a Man.*

P. 216. As to *Person in the way of Ideas*, you tell us, *That the Word Person in it self signifies nothing, and so no Idea belonging to it, nothing can be said to be the true Idea of it; but when any Language appropriates it to any Idea, then that is the*
P. 217. *true Idea of a Person and so of Nature. These are therefore the signs of two Ideas they are put to stand for; and by enumeration of all the simple Ideas that are contained in the Complex Idea that each of them is made to stand for, we shall immediately see the whole difference that is between them.*

After which, you conclude, *That you must content your self with this condemned*

demned way of Ideas, and despair of ever attaining any Knowledge by any other than that, or farther than that will lead you to it.

But this must not hinder me from enquiring a little more strictly into these Notions of *Nature* and *Person*, for if these hold, I do not see how it is possible to defend the Doctrine of the Trinity. For if these terms really *signifie nothing in themselves*, but are only *Abstract and Complex Ideas*, which *the common use of Language hath appropriated to be the signs of two Ideas*; then it is plain, that they are only *Notions of the Mind*, as all *Abstracted and Complex Ideas are*; and so *one Nature* and *three Persons* can be no more.

We must therefore examine what your Notion is, of *Abstracted and Complex Ideas*, and how it can be applied to *Nature and Person*; and whether they are *only signs of such Ideas* as People have agreed to signifie by them.

To explain this, I must give an account, as well as I can, from your self, how these *Abstracted* and *Complex Ideas* come to be formed in our Minds, and what is implied in them. *The Understanding*, you say, *seems to you not to have the least glimmering of any Ideas which it hath not by Sensation or Reflection. These and their several Modes and the Compositions made out of them, we shall find contain our whole stock of Ideas; and that we have nothing in our Minds which did not come in one of these two ways.* From hence you consider the several sorts of *Ideas, some Simple and some Complex. The simple Ideas are the Materials of all our Knowledge; and when the Understanding is once stored with these simple Ideas, it has the Power to repeat, compare and unite them, even to an almost infinite variety, and so can make at pleasure new Complex Ideas: But no understanding can make one new simple Idea, not taken in by the ways before mention'd, nor can it destroy those that are there.* After you have given an account of the *simple Ideas* both ways, you come to the *Faculty of Discerning in our Minds*, and there you reckon up, *Distinguishing Ideas, Comparing, Compounding* and *Abstracting.*

B. 2. ch. 1. Sect. 5. Ch. 2. Sect. 1. Sect. 2. ch. 11.

The *Reason of Abstraction*, you say, *is to have one general Name for many Particulars, or else Names would be endless. Which Abstraction is performed by separating the Ideas of particular Objects from the Circumstances of real Existence, as Time, Place, &c. Complex Ideas are those simple Ideas which the Mind unites as one Idea. But still it is confin'd to those simple Ideas which it received by Sensation or Reflection, which are the ultimate Materials of all its Compositions.*

Sect. 9. Ch. 12. Sect. 1.

Of these you reckon *Modes, Substances* and *Relations.*

Sect. 3.

The Ideas of Substances are such Combinations of simple Ideas, as are taken to represent particular things subsisting by themselves. And these are of two sorts, one of single Substances as they exist separately, as of a Man, &c. the other of several of these put together, as an Army of Men.

Sect. 6.

In your Chapter of *Complex Ideas of Substances*, you affirm *the Ideas of particular Substances to be made by a Combination of simple Ideas:* and again, *that it is by such Combination of simple Ideas as co exist in some unknown cause of their Union.*

Ch. 23. Sect. 3. Sect. 6, 14.

That the Complex Ideas we have of God and separate Spirits are made up of the simple Ideas we have by Reflection; by inlarging the Ideas we find in our selves.

Sect. 33.

In your 3d Book you consider *general Terms.* And the *Reason* of them, you say is, *because it is beyond the power of Humane Capacity to frame and retain distinct Ideas of all Particulars. And these are made by way of Abstraction from Circumstances of Time and Place.* After which you tell us, *That General Natures are nothing but Abstract Ideas; and the whole Mystery of* Genera *and* Species, *which make such a noise in the Schools, is nothing else but Abstract Ideas with Names annexed to them.* From whence, you say, *it is plain that General and Universal, belong not to the real Existence of Things, but are the Inventions and Creatures of the Understanding; made by it for its own use and concern only Signs whether Words or Ideas.* And the *Abstract Idea and the Essence of the Species or Genus of the same thing: and every distinct, abstract Idea is a distinct Essence.*

B. 3. ch. 3. Sect. 2. Sect. 6. Sect. 9. Sect. 11. Sect. 12. Sect. 14.

But then you distinguish *the Real and Nominal Essence. The former is the Real,*
Sect. 15. *Internal Constitution of particular things; and the Nominal is the Abstract Idea.*
Sect. 16. *But there is so near a Connexion between them that the Name connot be attributed to any particular Being, but what has this Essence, whereby it answers that Abstract Idea, whereof that Name is the Sign.*

These things you repeat and inlarge upon in several other places, but this I think is the substance of what you say upon this matter: For I would not willingly mistake or misrepresent your Meaning.

The Question now between us comes to this, Whether the common *Nature* or *Essence of Things* lies only in an *Abstract Idea*, or *a General Name*, and the Real Essence consists only in particular Beings from which that Name is abstracted?

The Question is not, Whether in forming the Notion of Common Nature, the Mind doth not abstract from the Circumstances of particular Beings? But it is whether there be not an Antecedent Foundation in the Nature of things upon which we form this Abstract Idea? For if there be, then it cannot be called *an universal Name* only: or a meer *sign* of an *Idea*, which we have formed from putting many simple Ideas together, which *Name* belongs to all of such a sort, as have those *simple Ideas* united together. I know not how it comes to pass, that a *Man spinning Books out of his own Thoughts* should hit so luckily upon the Thoughts of another Man: I do not mean now, about clear and distinct Ideas, but about this Point of *universal Names.* For Mr. *Hobbs* in
Leviath. ch. 4. his Chapter of *Speech*, tells us, That *Names* were to serve for *Marks or Notes of Remembrance*, and therefore were called *Signs. Of these Names, some are proper and singular to one thing, as* Peter, John, *this Man, this Tree; some are common to many things, as Man, Horse, Tree, in respect of all which it is called an Universal, there being nothing in the World Universal but Names; for the things nam'd, are every one of them individual and singular.*

One universal Name is imposed on many things, for their similitude in some Quality or other Accident; and whereas a proper Name bringeth to mind one thing only Universals recall any one of those many.

And of Universals some are of more, or less Extent, the larger comprehending the less large, and some of equal extent, &c.

This is enough to let you see that these Notions are not so peculiar but that another Person, from his *own Thoughts* too, had said much the same things.

But whoever said or thought them first, we must examine how reasonable these Thoughts are.

I know no Body that thinks now-a-days, that *Universals exist any where by themselves*; but I do think, that there is a difference to be made between that and making them *meer Names*, or *signs of Ideas.*

I. And the Reasons I go upon are these. In the first place, we are agreed that there is a supream immaterial most perfect Being; whose Essential Attributes do not depend upon our *Arbitrary Ideas*; nor any *Names* or *Signs of Honour* we give him, nor upon the meer *Inlarging the Ideas* of our own Perfections; or such as we account to be so in our selves: for we attribute those to God which we are not capable of, as *Eternity*, or *Necessary Existence*, *Immutability*, &c. Herein, we take up no *Complex Ideas* from several Individuals; but we form a true Idea of a Divine Essence, from such Attributes as are Essential to an infinitely perfect Being, which being *Infinite* is thereby *Incomprehensible* by us. And so you own, *That the great God of whom and from whom are all*
B. 2 ch. 17. Sect. 1. *things is incomprehensibly Infinite.* And *that God is infinitely beyond the reach of our narrow Capacities.*

II. In the next place, we look on this Supream Being, as the wise Creator of all things, who hath ordered the several Sorts and Ranks of Beings in the World according to his own Eternal Wisdom; and hath given them all such

Pro-

Properties as himself thought fit, whereby they are really and essentially distinguished from one another; as appears by Mankind, and Brutes, and Plants. And no man that ever imploys his own Thoughts can think, that these are distinguished from each other, only by an Act of our Minds.

III. Among these it is evident, that there are some things, wherein they agree; and some wherein they differ. They all agree in being real, created Beings, and having a sort of Life belonging to them. But they differ, that some have Sense, which others have not; and some have Reason and Understanding which others want. And all this is so plain and evident, that one might question, whether those had Understanding or not, who could think the difference of these from each others was not in their *Natures*, but only depended on *the several Names* that we call them by.

IV. Among the Individuals of the same kind, there is an Agreement in the same Essential Properties; as all *Men* in being *Rational Creatures*; and there is a Real Difference from each other in the several Accidents that belong to them; as to Time, Place, Qualities, Relations, *&c.* And no Man in his Senses can call this in question. For his most plain and *simple Ideas* will inform him of it.

V. The Question now is, Whether that wherein they do all agree, be a meer *Universal Name* and *Abstract Idea* or not.

It is certain, that what God created is no meer *Name* or *Idea*: It is certain, that God created not only *Individuals* but the *several Kinds*, with the *Differences* which they have from each other; it is certain that these *Differences* do not lie in mere *Names* or *Ideas*: How comes it then not to be certain that there is a Real Common Essence or Nature in the *Individuals* of the same kind?

But *it comes not to us in the way of Ideas.* If it be so, the way of *Ideas* and *Reason* are two different ways; and I shall never forsake one for the other, unless I could see better *Reason* for it; and even then I should not, but adhere to *Reason* still.

But how doth it appear by Reason, that *Nature is any thing else but a Collection of several Ideas combined into one Complex Abstract Idea?*

That will be done by considering,

1. What these *Ideas* are, which are so collected into a *Complex Idea*; which is called *Nature.*

2. What that *Essence* is which is implied in this *Idea*; whether it be a *Real* or only a *Nominal Essence.*

1. What these *Ideas* are, of which this Complex Idea of Nature consists; and they are said to be, the *simple Ideas of particular Substances* united together without the Circumstances of Time and Place. But those simple Ideas may be considered two ways.

1. With respect to the *Qualities* of things, and these Ideas are said to be *true and adequate*; but they go no farther than the Qualities; which reaches only to that Sense of *Nature*, as it is taken for *Properties.*

2. With respect to the *Subject* of them, which is the *Nature* or *Substance* that supports them, and of this you confess we have only *imperfect and inadequate Ideas.*

As they are *true* and *adequate*; and so they are not the *true Representations of Things without us, but of the Effects of such Powers in them as produce Impressions in us*; which are those you call *Secondary Qualities.* And in that Sense I take your words. And of these I said, that we can understand nothing really by them but the Effects they have upon us; *i. e. the Powers* and not *the Ideas.* The *Ideas* are the Impressions on our Minds; and by these we can understand nothing but the *Effects* which the *Powers* in outward Objects have upon us, and consequently not the *Nature* of them. This I take to be plain Sense. P. 169.

To this you Answer Two things;

1. *That we certainly know to distinguish things by Ideas, supposing them nothing* P. 170.

but Effects produced in us by these Powers; as if they were Representations.

P. 171. 2. *That we have certainly as much pleasure and delight by those Ideas one way as the other.*

Granting all this to be true, what is it to the *Complex Idea of Nature*, which arises from these *simple Ideas? Nature is a Collection of several Ideas combined into one Complex Abstract Idea.* But the *simple Ideas* acquaint us not with the *Nature* of the *Objects*, but only with the *Powers* which are in them; by the help of *Bulk, Size, Figure* and *Motion*; which you call the *Primary Qualities.* Now *these*, you say, *are really in the things themselves; whether the Senses perceive them or not; and the Ideas of these are the true Resemblances of what exists in the Objects*; i. e. that by the Impressions we find in our selves, we are certain that there are Bodies of a determinate *Bulk, Size, Figure and Motion.* And this is all, we can by these *simple Ideas* come to, as the *Nature* of Corporeal Substances. But suppose one should ask how we can understand the Nature of these Operations of the *Primary Qualities* in producing the *Secondary*; we are soon answered, *that there is no conceivable Connexion between them, and that Reason cannot shew how Bodies by their Bulk, Figure and Motion should produce in the Mind the Ideas of Blue, Yellow*, &c. And so we are extremely helped by these *simple Ideas* in understanding the *Nature* of any *particular Substance.* For the sensible Qualities in us are only the Effects of certain Powers in the Objects, caused by their Bulk, Size, Figure and Motion; but if we ask how they are produced, we are plainly told, that our Reason by these *simple Ideas* can reach to no knowledge of it. And so we are left in as much Ignorance as ever, as to the Manner how Things without us produce Ideas in us.

B 2. ch. 8. Sect. 10. 15, 17, 23.

Sect. 25.

P. 174. But say you, *By these simple Ideas, we can as certainly distinguish the Beings wherein those Powers are, and receive as certain Advantages from them, as if those simple Ideas were Resemblances.*

As to *Advantages from them*, that is quite out of our Enquiry; which is concerning the *Idea of Nature*, as it is a Complexion of *simple Ideas*; and all that it amounts to is, that by these *simple Ideas*, we understand the *Distinct Powers* in several Bodies to produce Impressions in our Minds; and by *the secondary Qualities* we find in our selves, we are certain of the *primary Qualities* in *Bodies*, from their different Bulk, Size, Figure and Motion. But still we have nothing but an *Idea of Qualities*, which goes no farther than the Essential Properties; but the Idea of Nature goes farther, and implies that Being wherein those Qualities are; and that I said, which is the subject of Powers and Properties, is the *Nature* or *Substance* of it; which in this respect is the same. Have we any *Adequate Idea* of this?

To this you say:

P. 176. 2. *That all Ideas of Substances, which are referr'd to Real Essences are in that respect Inadequate.* This is what your self own to be your Sense; and is as much as I desire. For, I pray consider what a *fine Abstract Complex Idea* you have given us of *Nature.* Our *Adequate Ideas* go no farther than *Qualities*, and if we enquire into the *Real Essence*, or *Substance* that supports them, we are told that they are *Inadequate*; and consequently we can have no true Notion or *Idea* at all of it.

P. 178. But you say farther, that you do not affirm, *That Abstract Ideas are only general Names:* For you assert a *Real Essence* in things; *the internal unknown Constitution is the Real Essence; and the Abstract Idea is the Nominal Essence.*

P. 181. The former you tell me, you do *readily own*; viz. *That Essence which is in particular Substances*; but the Question before us is, Whether that which is in more Individuals than one, be a *Real* or only a *Nominal Essence.*

2. And this is that which we are next to Examine. To clear this, I put the Instance of the *Sun*, where *an Essence* was said by you *to be in one Individual*; and yet more Suns might agree in it. In this one Sun there is a *Real*

Essence,

Eſſence, and not a meer *Nominal* and *Abſtracted Eſſence*: upon which I asked, If there were more Suns, would not each of them have the *Real Eſſence* of the Sun? For what is it makes the ſecond Sun, to be a true Sun, but having the ſame *Real Eſſence* with the firſt? If it were but a *Nominal Eſſence*, then the Second would have nothing but the Name.

Here I muſt examine your Anſwer, as far as I can underſtand it: For here indeed you may complain of the want of *clear and diſtinct Ideas*; but I will do what I can to explain that which I conceive to be your Senſe.

You ſay, *This doth not at all concern the Real, but the Nominal Eſſence.* P. 190.

How is this poſſible? Is there not the *Real Eſſence* of the Sun in that Individual, we call the Sun? But I put the Caſe, that there were a Multiplication of Individuals; and there were more Suns: would not each of theſe have the *Real Eſſence* of the Sun? If it were only a *Nominal Eſſence*, the reſt would have only the Name.

But you ſay, *you did not mean the real Eſſence of the Sun was in that Individual.* P. 191. How could you mean otherwiſe, when you acknowledge the *Real Eſſence* to be in *particular Subſtances*? And is not the Sun a *particular Subſtance*? *But the Idea of it being a Complex and Abſtracted Idea, could not be the Real Eſſence.* I anſwer, That the *Eſſence* of the Sun being communicated to another is a *Real Eſſence*; or elſe, the Second is but the *Name* and nothing elſe.

You tell me, *That you ſay expreſly, that our diſtinguiſhing Subſtances into Species by Names, is not at all founded on their Real Eſſences.* And I think it is clear to any one that underſtands things, and not meer *Ideas*; that another *true Sun* muſt have the *Real Eſſence* of a Sun.

You ask, *What I mean by a true Sun.* I anſwer, That which hath the Eſſence of a Sun; and that the Name cannot be truly applied to that which hath it not. *Yes*, ſay you, *it may to any thing, which hath united in it that Combination of ſenſible Qualities, by which any thing elſe that is called Sun is diſtinguiſhed from other Subſtances*, i. e. *by the Nominal Eſſence.* So that now the *Abſtract Complex Idea* is owned to be nothing but a *Combination of Qualities* in one *Idea.*

But I muſt ſtill ask, what becomes of this Combination of Qualities in the ſecond Sun, if there be not a Real Eſſence to ſupport them? *You grant it when the ſecond Sun comes to exiſt.* And if it does not exiſt, how can it be the Second Sun?

Should it be true, ſay you, *that the Real Eſſence of the Sun were in any of the* P. 193. *fixed Stars, yet it could not be called by us the Sun, whilſt it anſwers not our Complex Idea, or Nominal Eſſence of a Sun.* If the *Real Eſſence* of a Sun be in a fixed Star, it is really a Sun, *whether you call it ſo or not*; as a *Laplander* is as really a Man whatever you *call* him, if he hath the Eſſence of a Man. And it is ſtrange to me to find any Man diſpute ſuch evident things.

And ſo I come to the Inſtance of the Individuals among Men. I ſaid, that there muſt be a Real Eſſence in every Individual of the ſame kind. *Peter*, *James* and *John* are all true and real Men; not by attributing a general Name to them; but becauſe the true and real Eſſence of a Man is in every one of them.

But you ſay, *I firſt ſuppoſe them to be Men*: no otherwiſe than as they are In- P. 195. dividuals of the ſame kind.

Your *Weweena*, *Cuchepy* and *Couſheda* I have nothing to ſay to, they may be *Drills* for any thing I know; but *Peter*, *James* and *John* are Men of our own Country, and we know them to be ſeveral Individuals of the Race of Mankind: And what is it makes them Men, but that the true and real Eſſence of a Man is in every one of them? *Yes*, ſay you, *if making be taken for the Effi-* P. 197. *cient Cauſe.* Whoever dreamt of a *Specifick Eſſence* being the *Efficient Cauſe*? But I ſaid, that it was the true and real Eſſence of a Man, which made every Individual a true and real Man; of which I ſaid we are as certain, as that we are Men. *That*, ſay you, *is only by our Senſes finding thoſe Properties, which an-* P. 198.

ſwer

ſwer the Abſtract, Complex Idea, which is in our Minds of the Specifick Idea to which we have annexed the Specifick Name Man. I leave to you the Honour of this *Scholaſtick Language*, which is always moſt proper when there is nothing under it. I love to ſpeak plain Senſe if I can, and ſo as to be underſtood by every one that is acquainted with theſe Matters: but theſe *Specifick Names* and *Abſtract* and *Complex Ideas*, I think tend to confound Mens Apprehenſions; who can never think otherwiſe, but that every Man is ſaid to be a true *real Man*; not for any *Specifick Name*, but becauſe his *Properties* ſhew him to be endued with the *true real Eſſence of a Man.* I ſaid, that the general Idea is not made from the ſimple Ideas, but by meer Act of the Mind abſtracting from Circumſtances, but from Reaſon and Conſideration of things.

P. 199. You reply, *That you thought Reaſon and Conſideration had been meer Acts of the Mind, when any thing was done by them.* I hope the *Ideas* you have of the Acts of your own Mind, are clearer than thoſe you have of other Mens. For it is plain, I oppoſed your *General and Abſtract Idea by a meer Act of the Mind, to a Rational Inference* from the Nature and Properties of things. For I added; for, when I ſee ſo many Individuals, that have the ſame Powers and Properties, we thence inferr, there muſt be ſomething common to all, which makes them of one kind; and if the difference of Kinds be real, that which makes them of one kind and not of another, muſt not be a *Nominal* but a *Real Eſſence.* Is there now no difference between theſe Two Acts of the Mind, *viz. Abſtraction* and *Ratiocination?*

P. 201. And you *grant, that the Inference is true.* But you ſay, *it doth not follow, that the general or ſpecifick Idea is not made by the meer Act of the Mind.* Where do I deny that *Abſtraction* is made by an Act of the Mind? But that is not the Queſtion; but whether the Notion of *Eſſence* in Individuals of the ſame kind, be a meer Act of the Mind by *Abſtraction*, or have a real Foundation in the Nature of things? *i. e.* whether it be a *Real* or a *Nominal Eſſence?*

Ibid. But you ſay, *There may be Objections to the Name of Nominal Eſſence.* My Objection is not to the *Name*, but to the *Thing* you underſtand by it, *viz.* that there is nothing beyond Individuals but *Names*, which utterly overthrows the Difference of *Nature* and *Perſon.* For if there be nothing really, but an individuated Eſſence, then it muſt follow, that there can be no difference of *Hypoſtaſes* in the ſame Nature: For Nature individuated muſt take in the *Hypoſtaſis*; and Nature being taken as *common* is affirmed by you to be nothing but an Abſtract and Complex Idea, and a meer Nominal Eſſence.

P. 203. You ſay, *That we cannot know the differences of things by their real Eſſences.* And what then? Do I ever deny, that the difference of kinds is to be underſtood from the different Properties? But we are not upon our Knowledge of the difference of Species, but upon the *Real* and *Nominal Eſſence.*

And I ſhew'd that the real Eſſence doth not depend upon Complex Ideas; becauſe if men miſtake never ſo much in the Combination of Ideas, yet the ſame Eſſence remains; as I inſtanced in the Eſſence of a Man, a Horſe and a Tree.

P. 210. True, you ſay, *Our Thoughts or Ideas cannot alter the real Conſtitutions of things that exiſt; but the Change of Ideas can and does alter the ſignification of their Names, and thereby alter the kinds, which by theſe Names we rank and ſort them into.*

But this doth by no means reach the point, which is not concerning our *ſorting of Things*, which is by Names, but *God's ſorting* them, when he made them of different kinds. For ſo I ſaid, that the Eſſences remain always the ſame, becauſe they do not depend on the Ideas of Men, but on the Will of the Creator, who hath made ſeveral ſorts of Beings.

P. 212. All the Anſwer you give is this, *That the real Conſtitution or Eſſence of particular things exiſting, do not depend on the Ideas of Men, but on the Will of the Creator,*

Creator, but their being ranked into ſorts, under ſuch and ſuch Names does depend and wholly depend upon the Ideas of Men.

But my Argument did not proceed upon *particular things exiſting*, but upon *the ſeveral kinds of God's making*, and is it poſſible for you to think that the kinds are not of his making, but that *Men only by their Ideas make the ſeveral ſorts?* If ſo, I have very little hopes to remove you from your Ideas; but I am bound to do what in me lies to hinder ſuch Notions from overthrowing the *Myſteries of our Faith.*

And it is a great ſatisfaction to me to find, that theſe Notions of Ideas, as far as they tend that way, have ſo very little Foundation in Reaſon, or rather are ſo manifeſtly repugnant to them.

Before I conclude my ſelf, I muſt take notice of your *Concluſion*, viz *That you muſt content your ſelf with this condemned way of Ideas, and deſpair of ever attaining any knowledge by any other than that, or farther than that will lead me to it.* Which is in effect to ſay, that you ſee no way to avoid *Scepticiſm* but this: but my great Prejudice againſt it is, that it leads to *Scepticiſm*, or at leaſt, that I could find no way to attain to Certainty in it upon your own grounds.

For (1.) you ſay, *That Knowledge to you ſeems to be nothing but the Perception of the Connexion and Agreement or Diſagreement, and Repugnancy of any of our Ideas. In this alone it conſiſts.* Whence it unavoidably follows, that where we can have no *Ideas*, we can have no Knowledge. Book 4. Ch. 1. Sect. 1.

But you go about to prove, *That there are many more Beings in the World, of which we have no Ideas, than thoſe of which we have any; and that one holds no Proportion to the other.* So that we are excluded from any Poſſibility of attaining to knowledge, as to the far greateſt part of the Univerſe for *want of Ideas*; and yet you ſay, *That he that will conſider the infinite Power, Wiſdom and Goodneſs of the Creator of all things, will find Reaſon to think it was not all laid out upon ſo inconſiderable, mean and impotent a Creature, as he will find Man to be, who in all Probability is one of the loweſt of all intellectual Beings.* And not long after, you ſay, *That the Intellectual World is certainly a greater and more beautiful World than the Material.* Ch. 3. Sect. 23. Sect. 27.

But whence comes this *Certainty*, where there can be no *Ideas?* Is a *general Reaſon* ſufficient without particular Ideas? Then why not in other caſes as well?

2. Suppoſe we have no *Ideas* of the Intellectual World, yet ſurely we may have as to the viſible World: No, you ſay, *That although we have Ideas of Bulk, Figure and Motion in general; yet not knowing what is the particular Bulk, Figure and Motion of the greateſt part of the Bodies of the Univerſe, we are ignorant of the ſeveral Powers, Efficacies and Ways of Operation, whereby the Effects we daily ſee are produced. Theſe are hid from us in ſome things by being too remote, in others by being too minute.* Sect. 24.

So that you confeſs, *We can attain to no Science*, either as to *Bodies* or *Spirits*. And what a narrow compaſs muſt our Knowledge then be confined to? You confeſs, *We have no Ideas of the Mechanical Affertions of the minute Particles of Bodies; and this hinders our certain Knowledge of univerſal Truths concerning natural Bodies; and our Reaſon carries us herein very little beyond particular matter of Fact. Certainty and Demonſtration we muſt not in theſe things pretend to.* So that all *Certainty* is given up in the *way of Knowledge*, both as to the *viſible* and *inviſible* World, or at leaſt, the greateſt part of them. Sect. 26. Sect. 27. Sect. 25.

3. But ſtill it is to be hoped, that where we have *Ideas*, we may come to *a Certainty* in diſcerning the *Connexion between them.* No, you ſay, *Another Cauſe of our Ignorance is, the want of a diſcoverable Connexion between thoſe Ideas we have.* What! are we at a loſs here too, and yet all our *Certainty* depends on *the perceiving the Agreement and Diſagreement of Ideas?* Yes, you confeſs, *That the Mechanical Affections of Bodies having no Affinity at all with the Ideas they produce* Sect. 28.

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in us, we can have no distinct Knowledge of such Operations beyond Experience. And the Operations of our Minds on our Bodies is as unconceivable.

4. But by the help of *Intermediate Ideas*, may we not come to find out the certain Agreement or Disagreement of Ideas, so there be *due Application* of the
B. 4. ch. 2. Sect. 2. Mind to it? Yes, say you, *This may be done, and this is that we call Reasoning, and those intervening Ideas are called Proofs: and where the Agreement or Disagreement is clearly and plainly perceived, it is called Demonstration.* But how if this way of *Demonstration* be made impossible? What benefit can we have of
Sect. 7. it in the way of Certainty? *Each step*, you tell us, *That Reason makes in demonstrative Knowledge must have intuitive Evidence; for else, you say, that Intermediate Idea would need a Proof. And for want of this, Men often embrace Falshoods for Demonstrations.* But if there be no way of coming to Demonstration but this, I doubt we must be content without it.

5. You give no reasonable Satisfaction in the way of *Ideas*, as to the plainest Evidence of Sense concerning the Existence of external Objects. For there is no *Intuition of the Mind*, nor *Demonstration* in this Case; and all the evidence in your way must be from the *Ideas* in our Minds, which are supposed to arise from external Objects; but the question is, how from these *Ideas* within our selves, we can prove the certain Existence of Objects without our selves. Because men may have such *Ideas* in their Minds by the power of *Imagination*,
Ch. 2. Sect. 14. when there are no Objects to produce them? You say, *A man is invincibly conscious to himself of a different Perception, in seeing the Sun in the Day, and remembring it in the Night, and tasting of Wormwood, and smelling of a Rose, and thinking of it afterwards.* But this doth not clear the main difficulty, which is, how from the *Idea* of the *Taste of Wormwood or Smell of a Rose* I can prove the actual Being of such things without me, since you grant, that there is *no conceivable Connexion in Reason, between the Powers in the Objects and the Ideas in us:* and if there be not, how can we be certain in the *way of Ideas?* I do not speak, as to *Pain or Pleasure*, but as to the *Evidence* from the *Ideas* in our selves. For the most that you say is, *That a Man may perceive a very manifest difference between dreaming of being in a Fire, and being actually in it, because of the Pleasure or Pain that follows the Application of certain Objects; which Certainty is as great as our Happiness or Misery, beyond which we have no Concernment to know or to be.* But the present difficulty is not merely about the difference between *sleeping and waking*; and I grant you, that a Man's being sensible of Fire touching him, will effectually convince him that he is not in a Dream: but the point before us is, when we are sensible we are awake, what it is in the *way of Ideas*,
Ch. 11. Sect. 1. which can satisfie us of the real Existence of external Objects. For you confess, *That the having the Idea of any thing in our Mind, no more proves the Existence of that thing, than the Picture of that Man evidences his being in the World, or the Visions of a Dream make a true History.* How then can we come to any
Sect. 2. *Certainty* in the *way of Ideas?* The Account you give is this, *that the actual receiving Ideas from without, makes us know that something doth exist at that time without us, which causes that Idea within us.* Which is in other terms to remove the Certainty from the *Idea* to the mere *Act* of *Sensation:* but all our Dispute hath been not about the Certainty either of *Sense* or *Reason*; (which I freely yield to) but about a particular way of *Certainty* by *the Agreement or Disagreement of Ideas*; and of this I shew that you give no satisfactory Account, as to the Existence of the plainest Objects of Sense. For you say, *The Certainty lies in perceiving the Connexion between Ideas*; and here you grant, *That Reason cannot perceive the Connexion between the Objects and the Ideas*, how then should we possibly attain any Certainty in the way of Ideas? So that your self gives up the way of *Certainty by Ideas.*

I might easily pursue this matter farther; but I think this is sufficient to let you see, you have no such cause to be so well contented with this *condemned way of Ideas* as you are pleased to call it. And

And now to conclude, I am very far from being an Enemy to any free Enquiries into the *Nature* and *Reasons* of Things, and would be glad to find any real Discoveries that way. And I can easily bear the putting of Philosophical Notions into a modern and fashionable Dress.

Let Men express their Minds by *Ideas* if they please; and take Pleasure in sorting and comparing and connecting of them; I am not forward to condemn them; for every Age must have its *new Modes*, and it is very well if Truth and Reason be received in any Garb. I was therefore far enough from *condemning your way of Ideas*, till I found it made the only ground of Certainty, and made use of *to overthrow the Mysteries of our Faith*, as I told you in the beginning. This was it which made me look more narrowly into it at first, and now to give you this Trouble of an Answer to your Letter.

I hope that in the managing this Debate, I have not either transgressed the Rules of Civility, or mistaken your Meaning, both which I have endeavour'd to avoid. And I return you thanks for the Civilities you have expressed to me through your Letter; and I do assure you, that it is out of no Disrespect, or the least ill-will to you, that I have again consider'd this Matter, but because I am farther convinced, that as you have stated your *Notion of Ideas*, it may be of dangerous consequence as to that *Article* of *Christian Faith*, which I endeavour'd to defend.

I am no Lover of *Controversies*, however, I have been often engaged in them; but I have that satisfaction in my mind, that my design was to promote that, which upon my best Enquiries, I thought to be *Truth*; and by such means as were most suitable to the pursuit of it, without any Bitterness against those I opposed. But of all *Truth*, I am convinced, that it is fittest for me to employ the Remainder of my Days in what concerns the Vindication of our *Holy Religion* contained in the *Scriptures*, which gives us the only sure Grounds to hope for a *Blessed Immortality*. And in the Defence and Practice of that, I hope, by the Grace of God both to live and die.

I am, Sir,

Your Real Friend,

and Humble Servant,

Edw. *Wigorn*

Worcester,
March 27. 1697.

POSTSCRIPT.

I Had no Thoughts of adding a *Postscript* to my Answer, as you had done to your Letter; but before the Sheets were wrought off, there was sent to me a new *Socinian Pamphlet*, wherein there are Reflections (and little more) on my late Treatise in *Vindication of the Trinity*. The reason I had to joyn my short Animadversions on that to these Papers, was the advantages he takes *from the abstracted Notion of Nature* against the Doctrine of the Trinity, which was the thing I told you I apprehended to be of dangerous Consequence in it.

But before I come to that, I cannot but take notice of their very different way of Writing from yours, which is *Grave* and *Civil*, but theirs is trifling, and too scurrilous in matters of Religion, for which I had so justly rebuked them before, but it seems to very little purpose: which makes me apt to think,

their greateſt Hopes ſtill are in ſuch Readers who love to ſee Matters of Religion ridiculed; and the Perſons who are concerned to defend them expoſed to Scorn and Contempt. This was that I told them, which gave ſuch a Reliſh to their late Pamphlets, as though nothing would go down with ſuch vitiated Palates, that had not a Mixture of this *Aſſafœtida* with it. But becauſe in the Concluſion of his Pamphlet, he charges me as well as others, with *uſing them unjuſtly as well as roughly*, I ſhall give a Taſt of this man's decent manner of Writing. The firſt thing he inſiſts upon againſt me, is, *That I openly profeſs my Method, that I will prove Firſt, then Secondly, then Thirdly, then Fourthly and Fifthly.* And what harm is there in uſing the plaineſt Method in a nice and intricate Subject? Should I go about to juſtifie this, by the Rules of the ancient and beſt Maſters of Writing in Arguments of ſuch a Nature; That would be ſhewing too much regard to ſuch pitiful Cavilling. But methinks theſe men ſhould not object this Method againſt us, of *Firſt, Secondly* and *Thirdly*, who had before charged us with *brutal and inexcuſable Ignorance in Counting or Numbring.* But he goes on. *And now beloved firſt of the firſt.* Have I any words like theſe? No matter for that. But this ſerves well enough for the *Farce*; when the deſign is to ridicule the *Form and Way of modern Sermons*; which he knew was an acceptable Subject to his *Men of Wit*, as he calls them. If they be really ſo, they cannot but deſpiſe ſuch *Fooling* in ſerious matters. And our *Modern Sermons* are ſuch, both as to the *Structure* and *Reaſon* of them, as will bear the Cenſures of Men of Judgment, (as well, it may be, as of any Age) but his *Men of Wit*, who love Religion in no dreſs, will always have ſomething or other in Sermons to find fault with. And our Author was hard put to it to bring in this ſmart Reflection on *Modern Sermons*, to pleaſe his Friends, which was very remote from a Debate about the Trinity.

The next thing is, (for I muſt not ſay *Secondly*) *That my Way of Writing is too obſcure; and that he could not take my Meaning under two or three Readings.* Which to pleaſe his Men of Wit, he facetiouſly expreſſes after this manner; *And when I have ſtrained my Jaws and hazarded my Teeth to break the Shell, moſt commonly it proves nothing but a Shell, that I am tempted to renounce Nuts for ever.* And I think he will do wiſely in it. I am certain, I was ſo far from affecting Obſcurity, that I endeavoured to put the darkeſt points into as good a Light as I could; and I am afraid he ſometimes ſhut his Eyes, that he might complain of the darkneſs of the Room.

I dare not go ſo far as *Thirdly*; and therefore come to conſider the main parts of his Pretence to anſwer my Book.

As to the Contents of my Book, he ſaith, *I ſhew, that neither Antiquity, nor Reaſon, nor Scripture is at all for them, they are all againſt them.* Wherein he is very much in the right. And I ſhall now examine what he hath ſaid, to take off any part of the Charge.

He begins with *Antiquity*, and very fairly takes it for granted, That for 4000 Years, *The Doctrine of the* Unitarians *was the true Doctrine*; but he obſerves, *That I make the Doctrine of the Trinity to have been a part of the Cabala or Oral Tradition among the Jews*; upon which he cries out, *Where is Conſcience, or is Religion nothing but a Name?* Why, what's the matter? How comes *Conſcience* and *Religion* to be ſo deeply concerned, whether the Jews had any Anticipation of the Trinity among them? But he ſaith, *I do not believe the Jewiſh Cabala, no more than the Alchoran, and yet I produce the Authority of it:* and he adds, *That it was a Fiction of the Phariſees; and that it is a Prevarication in me to mention it as the unwritten Word of God.* I am afraid *his Cracking of Nuts* hath put him into ſome Diſorder, and made him cry out, without any other Cauſe but the Pain of his Teeth. Where did I ever give the leaſt Cauſe to ſuſpect my owning *the Jewiſh Cabala, as the unwritten Word of God?* All that I ſaid was this. The *Socinians* had ſaid, *That Chriſt was called the Word, becauſe he*

he was the Bringer or Messenger of God's Word. To which I answer'd, That the Jews were to understand it in the Sense it was known among them: which was for *a Divine Subsistence*, as I proved from the *Chaldee Paraphrast*, and the Testimonies of *Philo* the *Alexandrian Jew*, who lived so near our Saviour's time. Here is not a word of the *Pharisaical Cabala*, which every one knows to have been about *Traditional Customs*, which they laid as much weight upon, as upon the Law of God, if not more. But the *Chaldee Paraphrast* was in very great Esteem, as giving the true Sense of the Scripture, and for that only I produced it. And what answer doth he give to the Testimonies out of it? He saith, *They relate either to the Law, or to the Command of God to* Moses, *or to the Power of God.* But I shew'd that *Rittangel*, who managed the Debate on this Argument with a learned *Unitarian*, proved to his plain Conviction, that these places could be understood of nothing but a *Divine Subsistence.* But he mightily triumphs, that the most pertinent place is false printed; for it is set down, *Gen.* 20. 21. and he tells us, *There are but* 18 *Verses in that Chapter*; but a Man of common Ingenuity would suspect an Error in the Press in such a Case; and if he had pleased to have look'd on *Gen.* 28. 21. he might have found 22 Verses, and the Words in the 21. *Therefore*, saith he, *so much for* Chaldee *and* Cabala, *despised by all learned Men, Jews as well as Christians; and never used but when the People are to be gulled with noisy Nothings.* One would hardly think it possible such mean stuff as this should pass for an answer among any that pretend to Sense or Knowledge. For how can he deny the sense of the *Chaldee Paraphrast*, when *Philo* the *Alexandrian Jew* concurs in that Interpretation, as is evident by multitudes of places in him? Did I not expressly mention his Testimony as concurring with the other? Why not a word said to it? Did I not add the Consent of *Eusebius* concerning the Jews owning the Divinity of the Messias, till they fell off from it in opposition to the Christians? And are these but *noisy Nothings to gull People with?* Let what will become of the Dispute between the Pharisaical Jews and the *Karaites*; those who know any thing of these Matters, do know that I went upon other grounds; *viz.* whether the Israelites did receive from God an Oral Law, which they are bound to observe as much as the written Law, and to interpret the written Law, and the force of its obligation by it. And this I never mention'd or intended to plead for it. And as to the 13 ways of *Cabalistical Interpretations*, I look on them as groundless and frivolous things; but the thing I aimed at, was only this; There are certainly places of the Old Testament, which speak of the Messias as the Son of God; *Thou art my Son*, &c. and call him Lord, *The Lord said unto my Lord.* The question is, what the Sense of these places was, and how they are to be applied to Christ? Now if it appear, that the most ancient Jews did understand them in such a manner, as to apply them to a *Second Subsistence* in the *Divinity*, we have great reason to follow that Sense, which is so agreeable to the New Testament; and about this we have no manner of Reason to despise the Sense of the ancient Jews, and especially of the *Chaldee Paraphrast*, who asserts a second and a third Subsistence in the Divinity. And this he could not but find without *any danger to his Jaws*, was the only thing I intended.

The next thing in point of *Antiquity* which he contests, is about the *Nazarenes:* That Name, I said, was at first common to all *Christians*, as is plain from *Act.* 24. 5. afterwards it was applied to the Jewish Christians at *Pella* and *Decapolis*; and to such as admitted no *Gentiles* to their Communion, but kept to the Ceremonies of the Law; and of these I said they might be all *Ebionites*; but I utterly denied it of such as were Members of the Catholick Christian Church, as it was made up of *Jews and Gentiles.* This Distinction he calls a pure figment, but answers not one of the Reasons I brought for it; although I proved from uncontroulable Evidence, that they made two different Bodies, had different Rules of Faith; and that the Church of *Jerusalem* did hold the Divinity

and Pre-existence of our Saviour. And is all this *Cabala too, and only to be used when People are to be gulled with noisy Nothings?* i. e. with empty *Pleroma's*, and silent Thunder-claps. The *Alogians* were theirs, for any thing I know in all respects; and I will give them *Theodotion*, and *Paulus Samosatenus*, and *Photinus*. But I think not much to their comfort; the two latter were most certainly condemned by the Christian Church; and whether the former were a mere *Jewish Proselyte*, or an *Ebionite* is not worth contending about; since S. *Jerom* makes him to translate the places about our Saviour like a Jew, and *Aquila* like a Christian; which shews how mean an opinion he had of his Sincerity.

I proved the condemning *Paulus Samosatenus* while they were under the power of *Zenobia*, to be a plain evidence of the sense of the Christian Church against his Doctrine; at a time when no interest could be supposed to sway them. To this he gives a twofold Answer, (1.) *That be sure it is false, that they were then under the power of* Zenobia. But how can we *be sure it is false*, when I brought proof it was true, and he answers nothing at all to it? But it seems, all is *Cabala and noisy Nothings* that stand in his way. (2.) He saith, *They were all Hereticks*. A very short Answer. But how is this proved? For a little proof looks well sometimes, and a man must not always say, *be sure it is so*. Well, here is a plain proof; *they differ'd from the Council of* Nice *about* Homoousios. But I had before given a full Answer to that, *p.* 42. to which he gives not the least reply, *viz.* that they took it in two different Senses.

As to *Lucian*, I leave it to the Readers Judgment, if he compares what I have said, and what he answers together, and whether he thinks it probable that the *Arians* should forge a Creed under his Name at *Antioch*; if he continued in the Doctrine of *Paulus Samosatenus*, which was contrary to it.

This is all, he saith, that seems considerable in point of *Antiquity*; and whether he hath said any thing really *considerable* about it, let the Reader judge.

Come we now to the *point of Scripture*, which is the main point in the case. For I had declared, *p.* 112. that our Faith as to the Trinity, is built upon that; and that there are many places of Scripture, of which no tolerable Sense can be given without it. And therefore I examined the Sense the *Unitarians* gave of the most remarkable Places, and shew'd the Weakness and Inconsistency of it, and then in an entire Chapter proved our Doctrine from *the Form of Baptism* delivered by our Saviour, as it was always understood in the Christian Church. This I think was a very plain and easie Method of proving our Doctrine.

And now what saith our *Unitarian* to all this? Truly, I have met with few Answers like it. In short, he saith, *That for his part, he is enough perswaded without further arguing the Matter, that I have spent my Breath against a Rock.* This is just the Popish way of answering by *Infallibility* and *super hanc Petram*. But in neither case can I see the least ground for such mighty Confidence. Alas for them! they say, *That if we write against their Interpretations of Scripture, they are not at leisure to wipe off every small Soil that may happen to be scatter'd in their Books*. Not *at Leisure!* Whence have come all those Swarms of pestilent Books which have come abroad of late Years among us, to spread their infectious Doctrine over the Nation? And now are they *not at Leisure* to defend them? And at the same time have *Leisure enough* to run into other Matters, about which there may be more Colour for Cavilling. So that this cannot be the true Reason, and I leave the Reader to judge what it is.

The last thing is the *point of Reason*; and here he finds *Leisure enough* to expatiate. But I shall keep to that point, upon which he supposes the whole Controversie to turn, which is, whether the difference between Nature and Person, which we observe in Mankind, do so far hold with respect to the Divine Nature, that it is a Contradiction to say, there are three Persons and not three Gods?

And there are several things I proposed, in order to the clearing of this Matter,

ter, which I shall endeavour to lay down as distinctly as I can; and I shall not be *Hector'd* or *Banter'd* out of that which I account the most proper Method, although it happen to be too obscure for our *Men of Wit* to understand without *Hazard of their Jaws.*

The *Principles* or *Suppositions* I lay down are these.

I. Nature is One and Indivisible in it self, wherever it is.

II. The more perfect any Nature is the more perfect must its Unity be.

III. Whatever is affirmed of a most pefect Being, must be understoood in a way agreeable to its Perfection.

IV. It is repugnant to the Perfection of the divine Nature, to be multiplied into such Individuals as are among Men; because it argues such a dependence and separation, as is inconsistent with the most perfect Unity.

V. To suppose three distinct Persons in one and the same Indivisible Divine Nature, is not repugnant to the Divine Perfections; if they be founded on such relative Properties, which cannot be confounded with each other, and be in themselves agreeable to the Divine Nature.

VI. Whether there be three such distinct Persons or not, is not to be drawn from our own Imaginations, or Similitudes in created Beings, but only from the Word of God, from whom alone the Knowledge of it can be communicated to Mankind.

Let us now see how he proves, that since there is no Contradiction for three Persons to be in one common humane Nature, it must be a Contradiction to assert three Persons in the same divine Nature. He offers at no less than *demonstrative Reason*, p. 58. c. 2. but I have always had the most cause to fear the Men that pretend to *Infallibility*, and *Demonstration*. I pass over his *Mysterious Boxes*, as Trifles fit only to entertain his *Men of Wit*, and come immediately to his *demonstrative Reason*, if it be to be met with. It comes at last to no more than this, that *Humane Nature, and Angelical Nature, and Camel Nature have no Existence but only in our Conception; and are only Notions of our Minds; but the Persons in the same rational Being are not mere Metaphysical Persons or Relative Properties, but they are such as necessarily suppose distinct Substances as well as distinct Properties. But in the Trinity, the Nature is a really existing Nature, 'tis a Spiritual Substance, and endued with a great number of Divine Attributes, not an abstracted or mere notional imaginary Nature; and the Divine Persons are not distinct Substances or real Beings, but Properties only in a real Being and in an infinite Substance.* This is the force of the *Demonstration*. But now if I can make it appear, that every Nature is not only One and Indivisible in it self, but endued with Essential Attributes and Properties belonging to it as such, then it will be evident, that Nature is not a *mere Abstracted Notion of our Minds*, but something which really exists somewhere; and then the Foundation of this *demonstrative Reason* is taken away. And I appeal to any Persons that consider things, whether the *Humane, Angelical, and Camel Nature* (as he calls it) do not really differ from each other, and have such *Essential Properties* belonging to them as cannot agree to any other Nature? For else it must be a mere Notion and Fiction of the Mind, to make any real difference between them. But if *Humane Nature and Camel Nature* do essentially differ from each other, then every Nature hath its Essential Unity and Properties which cannot belong to any other, and that without any act of our Minds. And if every Nature is really and essentially different from another, it must have an Existence somewhere independent on our Notions and Conceptions.

It may be said, *That no such Nature doth really exist by it self, but only in the several Individuals.* But that is not the present Question, where or how it exists, but whether it depend only on our Imaginations or the acts of our Minds; and if it doth so, then there can be no real and essential Difference in the Natures of Men and Beast, which I think none who have the Understanding of a Man can imagine.

But

But really existing Natures, he saith, *are in such Persons, as necessarily suppose distinct Substances, as well as distinct Properties; and if they existed only in a common Nature, as the Humanity, and had not also distinct Substances, they would never make distinct Persons.*

I do allow, that in created and dependent Beings, there must be *distinct Substances* to make *distinct Persons*; but he ought to have given an account what that is which makes *distinct Persons necessarily to suppose distinct Substances.* For the Nature is One and Indivisible in them all; or else every Individual must make a new *Species*, which is an Absurdity I suppose he will not be fond of. If there be then one and the same Nature in the Individuals, whence comes *the difference of Substances to be so necessarily supposed?* If it be from Diversity, Dissimilitude, Dependance and separate Existence, as I asserted, then these Reasons can hold only in created Beings; and where they cannot hold, as in the Divine Nature, why may there not be a distinction of Persons founded on relative Properties, without any distinction of Substances, which is repugnant to the perfect Unity of the Godhead? What *demonstrative Reason*, nay, what probable Argument hath he offer'd against this?

He takes notice *p.* 60. of what I had said about the distinction of *Personality* and *Person*; and that Personality is originally only a particular Mode of Subsistence; and a Person besides the relative Property takes in the divine Nature together with it. And what *Demonstration* have we against this? So far from it, that he falls to Trifling again to keep his *Men of Wit* in good Humour. *So much for Madam Personality, now for Sir Person.* Is this a decent way of Writing about these Matters; to begin with the Talk of *demonstrative Reason*, and to end with *Burlesquing*, and turning them into Ridicule? If this be an agreeable Entertainment for his *Men of Wit*, it shews that they deserve that Character, as well as he doth that of a *Demonstrator.*

But this sportfull Gentleman hath found something else to play with, *viz.* that my Notion of three Subsistences without three Substances is really nothing but *Sabellianism.* But I had already said so much for the clearing of this, both in the Preface and the Book it self, that I need not to add one Word about it, unless he had suggested some new *demonstrative Reason* to prove it. Which he is far enough from. All that he saith, is, *That they must be called Fools as well as* Sabellius, *if they asserted Relative Properties, or any Properties that were in no Essence.* But the Author of the Discourse of *Real and Nominal Trinitarians*, (to whom he is no Stranger) had said *That the* Sabellians *held that the Father, Son and Spirit are but only three Names of God given to him in Scripture by occasion of so many several Dispensations toward the Creature, and so he is but one subsisting Person and three Relative Persons.* If this be true, here are *Relative Properties* indeed relating to a Divine Essence: but how? not as to any *Internal Relations* of *Father, Son and Holy Ghost*; but as to *External Dispensations*, which are another kind of *Relative Properties.*

This is all that I can find in this last Effort, that relates to my self: As to what concerns others, they are very able to defend themselves, and particularly as to Dr. *S.* and Dr. *Sh.* I must still say I think them much his Superiours as to Wit and Learning, (for of them I spake without the least Respect to my self, however he makes it *a Complement to my self and them*, I know not for what Reason unless it be that I speak of those against whom they had written *with Insolence and Scorn.*) But I hope they will shew themselves so much his Superiours too in Wisdom and Discretion, as not to renew their Quarrels upon his Provocations, for he doth what in him lies to inflame them; and he thought it, (and I do not blame him for it) the best service he could do to his sinking Cause.

WORCESTER,
April 26. 1697.

E. W.

AN

AN

ANSWER

TO

Mr. *LOCKE*'s Second Letter;

WHEREIN

His NOTION of IDEAS is prov'd to be Inconſiſtent with it ſelf, and with the ARTICLES of the CHRISTIAN FAITH.

SIR,

I Was not a little ſurpriz'd at the length of your *Second Letter*, conſidering the ſhortneſs of the Anſwer contained in it: But it put me in mind of the Springs of *Modena* mention'd by *Ramazzini*, which riſe up with ſuch a plenty of Water upon opening a Paſſage, that the Undertaker is afraid of being overwhelm'd by it. I ſee how dangerous it is to give occaſion to a Perſon of ſuch a fruitful Invention to write; for *Letters* become *Books*, and ſmall Books will ſoon riſe to great Volumes, if no way be found to give a Check to ſuch an *Ebullition* of Thoughts, as ſome Men find within themſelves. I was apt to think the beſt way were, to let Nature ſpend it ſelf; and although thoſe who *write out of their own Thoughts* do it with as much Eaſe and Pleaſure as a Spider ſpins his Web; yet the World ſoon grows weary of Controverſies, eſpecially when they are about Perſonal Matters: Which made me wonder that one who underſtands the World ſo well, ſhould ſpend above fifty *Pages* of a *Letter* in renewing and enlarging a *Complaint* wholly concerning himſelf. Suppoſe I had *born* a little *too hard upon you* in joyning *your Words* and *anothers Intentions* together; had it not been an eaſie and effectual way of clearing your ſelf, to have declared to the World, that you owned the *Doctrine of the Trinity*, as it hath been Received in the Chriſtian Church, and is by ours in the *Creeds and Articles of Religion?* This had ſtopt the Mouths of the Clamorous, and had removed the Suſpicions of the Doubtful, and would have given full Satisfaction to all reaſonable Men. But when you ſo carefully avoid doing this, all other Arts and Evaſions do but leave the Matter more ſuſpicious among the moſt Intelligent and Impartial Readers. This I mention, not that you need be afraid of the *Inquiſition*, or that I intend to charge you with Hereſie in denying *the Trinity*; but my preſent Deſign is to ſhew, That your Mind is ſo intangled and ſet faſt by your *Notion* of *Ideas*, that you know not what to make of the Doctrines of the *Trinity* and *Incarnation*; becauſe you can have no *Idea* of *One Nature* and *Three Perſons*, nor of *two Natures* and *one Perſon*; as will fully appear afterwards. And therefore, out of regard to Publick Service, in order to the prevent ng a growing Miſchief, I ſhall endeavour to lay open the ill Conſequences of your Way of *Ideas* with reſpect to the *Articles of the Chriſtian Faith.*

But I ſhall wave all unneceſſary *Repetitions*, and come immediately to the Matter of your Complaint as it is renewed in this *Second Letter*, which I ſhall briefly anſwer, before I proceed to that which I chiefly deſign. Your Complaint,

2d. Letter p. 2. plaint, you say, was, *That you were brought into a Controversie wherein you had never medled, nor knew how you came to be concerned in.* I told you, " It was
Answ. to first Letter, p. 46. " becauſe the Perſon who opoſed the Myſteries of Chriſtianity went upon your " Grounds, and made uſe of your Words; although I declared withall, that " they were uſed to other purpoſes than you intended them; and I confeſs'd, " that the reaſon why I quoted your Words ſo much, was, becauſe I found " your Notion as to Certainty by Ideas, was the main Foundation on which " the Author of *Chriſtianity not Myſterious* went; and that he had nothing that " look'd like Reaſon, if that Principle were removed; which made me ſo " much endeavour to ſhew, that it would not hold, and ſo I ſuppoſed the rea- " ſon why I ſo often mention'd your Words, was no longer a Riddle to you.
2d. Letter, p. 48. " Theſe Paſſages you ſet down in your *Second Letter*; but you ſay, *all this ſeems to you to do nothing towards the clearing of this matter.* Whether it doth
p. 49. or not, I am content to leave it to any indifferent Reader; and there it muſt reſt at laſt, although you ſhould write *Volumes* about it.

p. 50. But for what cauſe do you continue ſo unſatisfied? You tell us, *It is, that the Author mentioned, went upon this Ground, That clear and diſtinct Ideas are neceſſary to Certainty, but that is not your Notion as to Certainty by Ideas; which is, That Certainty conſiſts in the Perception of the Agreement or Diſagreement of Ideas, ſuch as we have, whether they be in all their Parts perfectly clear and diſtinct or no:* And you ſay, *that you have no Notions of Certainty more than this one.*

First Letter, p. 57. This is no more than what you had ſaid before in your former Letter, and I took particular notice of it, and gave three ſeveral Anſwers to it, which I ſhall here lay together and defend, becauſe you ſeem to think I had not anſwered it.

(1.) " That thoſe who offer at clear and diſtinct Ideas bid much fairer for " Certainty than you do (according to this Anſwer) and ſpeak more agreeably
p. 80. " to your Original Grounds of Certainty. For it is a very wonderfull thing in point of Reaſon, for you to pretend to *Certainty* by *Ideas*, and not allow thoſe *Ideas* to be *clear and diſtinct?* You ſay, *the Certainty lies in the Perception of the Agreement or Diſagreement of Ideas:* How can I clearly perceive the *Agreement or Diſagreement of Ideas*, If I have not *clear and diſtinct Ideas?* For how is it poſſible for a Man's Mind to know whether they *agree or diſagree*, if there be ſome *parts of thoſe Ideas* we have only general and confuſed *Ideas* of? And therefore I had great reaſon to ſay, that if Certainty be placed in Ideas we muſt have clear and diſtinct Ideas. You may as well ſay, a Man may be certain of the *Agreement* and *Diſagreement* of Colours in a confuſed or uncertain Light. For ſo much as the Idea fails of Clearneſs and Diſtinctneſs, ſo much it fails of that *Evidence* which it is neceſſary to judge by. Where-ever there is *Obſcurity*, *Confuſion* or *Imperfection in the Ideas*, there muſt be ſo much Uncertainty in the Perception of the Agreement or Diſagreement of them. And to pretend to Certainty by Ideas without pretending to clear and diſtinct Ideas, is to judge without Evidence, and to determine a thing to be certainly true, when we cannot know whether it be ſo or not; for how can you be ſure *that your Ideas agree with the Reality of things* (wherein you place the *Certainty of Knowledge*) if there be no ſuch Ideas of thoſe things, that you can perceive their true Nature, and their difference from all others? For therein you will not deny that the Notion of *clear* and *diſtinct Ideas conſiſts.*

Letter II. p. 2, 9, 10, 12, 14, 15, 16, 23, 38, 39, 41, 47, 50, 56, 61, 107, 114. But you ſay more than once or twice, or ten times, *That I blame thoſe who place Certainty in clear and diſtinct Ideas, but you do it not, and yet I bring you in among them*; which is the thing you ſo much complain of. I will give you a full Anſwer to this *Complaint.* I do not deny, but the firſt occaſion of my Charge was the Suppoſition *that clear and diſtinct Ideas were neceſſary in order to any Certainty in our Minds, and that the only way to attain this Certainty was by comparing theſe Ideas together:* But to prove this, your Words were produced, and your Principles of Certainty laid down, and none elſe; and I could not

imagine

imagine that you could place Certainty in the Agreement or Disagreement of Ideas, and yet not suppose those Ideas to be clear and distinct. But finding your self joyned in such Company which you did not desire to be seen in, you rather chose to distinguish your self from them, by denying clear and distinct Ideas to be necessary to Certainty. But it must be here observed, that our Debate about *Certainty by Ideas* is not about any other Certainty, but about *Certainty of Knowledge* with regard to some *Proposition*, whose Ideas are to be compared as to their Agreement and Disagreement. For your Words are, *Certainty of Knowledge is to perceive the Agreement or Disagreement of Ideas as expressed in any Proposition. This we usually call knowing or being certain of the truth of any Proposition.* So that a *Proposition* whose Ideas are to be compared as to their Agreement or Disagreement, is the proper Object of this Certainty. And therefore *this Certainty* is to be distinguished, Essay, B. 4. ch. 6. Sect. 3. First Letter, p. 57.

1. From a *Certainty by Sense*; or that by which we come to know the Existence of External Objects. For you say, *That the Knowledge of the Existence of any other thing we can have only by Sensation. For there being no necessary Connexion of Real Existence with any Idea a Man hath in his Memory; no particular Man can know the Existence of any other Being, but only when by actual operating upon him it makes it self perceived by him.* But that this is quite another *Certainty* from that of *Ideas*, appears from these following words of yours; *For the having the Idea of any thing in our Mind, no more proves the Existence of that thing than the Picture of a Man evidences his being in the World, or the Visions of a Dream make thereby a true History.* Therefore this is a very different Certainty from that of *Ideas*. B. 4. ch. 11. Sect. 1.

2. From a *Certainty by Reason*; When from the Existence of some things evident to Sense, we inferr the Existence of another thing not evident to Sense; As to take your own words in your former Letter. *As to the Existence of bodily Substances, I know by my Senses, that something extended, solid and figur'd does exist; for my Senses are the utmost Evidence and Certainty I have of the Existence of extended, solid, figured things. These Modes being then known to exist by our Senses, the Existence of them (which I cannot conceive can subsist without something to support them) makes me see the Connexion of those Ideas with a Support, or as it is called, Subject of Inhesion, and so consequently the Connexion of that Support, which cannot be nothing with Existence.* Letter 1. p. 57.

Granting all this, yet it by no means proves that we can have a *Certainty in the way of Ideas*, where the *Ideas* themselves by which we have the Certainty are *obscure and confused*; but that supposing the Ideas we have by our Senses to be *true*, we may from them inferr the Existence of something of which we have only *an obscure and confused Idea*; which is the Case of *bodily Substances*. Of which I grant you may come to a certain Knowledge, but not a *Certainty by Ideas*, but by a Consequence of Reason deduced from the *Ideas* we have by our Senses. And this can never prove that we may have a *Certainty by Ideas*, where the *Ideas* themselves are not clear and distinct: For there is a great difference between having a Certainty by reason, of a thing whose *Idea is confused and obscure*, and having that Certainty *by obscure and confused Ideas*. For in this Case the *Idea* of *Substance* is *obscure:* but the way of Certainty is by a *clear* Deduction of Reason from the *Ideas we have by our Senses*.

3. From a *Certainty by Remembrance*; By which I mean the remaining Impression on the Mind of an Original Certainty by Demonstration. As to use your own Instance; *A Man hath found by Mathematical Evidence, that the three Angles of a Triangle are equal to two Right Angles*; The Perception of this at the time of the Demonstration was clear and distinct; but afterwards, the Method of Demonstration may have slipt out of his Mind, yet he retains a Certainty of the thing by vertue of that Demonstration; but this is not a *clear Perception*, as you would have it, *where the Ideas are confused*; but it is an obscure Re- B. 4. ch. 2. Sect. 15.

membrance of the grounds of that Certainty which he once had; and hath never seen any Reason since, why he should call it in Question.

These things then being put out of the Question, which belong not to it; the Question truly stated is, whether we can attain to any Certainty of Knowledge as to the Truth of a *Proposition* in the way of Ideas, where the Ideas themselves by which we come to that Certainty be not clear and distinct?

Another thing to be observed is, that *Des Cartes* who first started this way of *Certainty by Ideas*, thought it a ridiculous thing in any to pretend to it, unless their *Ideas were clear and distinct.* He saith, *That when we assent without clear Perception, we are either deceived, or fall into Truth by chance, but we do often err when we think we have clear Perception, and have not. But to a certain Judgment, it is necessary that our Perception be not only clear but distinct: that is, when the thing not only lies open to our view, but we see it on all sides, and so can distinguish it from all other things.* You agree with him in placing Certainty in Ideas, but you differ from him in that which alone made his Opinion reasonable, *viz. That these Ideas be clear and distinct.* If it were possible for us to come to clear and distinct Ideas of the things we pretend to be certain of, it were a just Pretence to Certainty in that way; but since we cannot come at them, we must be content with such Measures of Knowledge as we are capable of. But for you to talk so much of *Certainty by Ideas*, and yet to allow *Obscurity* and *Imperfection* in those *Ideas*, is like a purblind Man who would pretend to judge exactly of the differences of Colours in the Twilight, because another pretended to do it at Noon-day: Or like one, who would undertake to shew certainly the *Agreement or Disagreement* of two Men at a distance from him, in their Habit, Features and Stature, and yet at the same time confess that he could not clearly distinguish one from the other. So that if I did think you spake more consistently to your *Hypothesis*, than you say now that you did, I hope you will forgive me that Wrong, if at least it be a *Wrong* to you; for after all, there are several Passages in your *Essay*, which suppose *clear Ideas* necessary to *Certainty*.

Princip. l. 1. n. 44, &c.

B. 4. ch. 18. Sect. 8. For in one place you say, *That the mind not being certain of the Truth of that it doth not evidently know.* What is this but to make clear Ideas necessary to Certainty?

B. 4. ch. 4. Sect. 8. In another, yet more plainly, *That which is requisite to make our Knowledge certain is the Clearness of our Ideas.*

B. 4. ch. 12. Sect. 14. In a third place you say, *For it being evident that our Knowledge cannot exceed our Ideas; where they are either imperfect, confused or obscure, we cannot expect to have certain, perfect or clear Knowledge.*

B. 4. ch. 2. Sect. 15. In a fourth; *But obscure and confused Ideas can never produce any clear and certain Knowledge, because as far as any Ideas are confused or obscure, the mind can never perceive clearly whether they agree or disagree.* What can be more express? And yet you have complained of me in near twenty places of your *second Letter* for charging this upon you. By this the World will judge of the Justice of your Complaints and the *Consistency* of your Notion of *Ideas.*

Answ to Let. 1. p. 36. (2.) I answer'd, "That it is very possible the Author of *Christianity not* "*Mysterious*, might mistake or misapply your Notions, but there is too much "reason to believe he thought them the same, and we have no reason to be "sorry that he hath given you this occasion for the explaining your meaning, "and for the Vindication of your self in the matters you apprehend he had "charged you with.

Let. 2. p. 36. Here you enter upon a fresh Complaint, and say, *This can be no Reason why you should be joyned with a Man that had misapplied your Notions; and that no Man hath so much mistaken and misapplied your Notions as my self, and therefore you ought rather to be joyned with me.* But is this fair and ingenuous dealing, to represent this matter so, as if I had joined you together, *because he had misunderstood and misapplied your Notions?* Can you think me a Man of so little Sense

to

to make that the Reaſon of it? No, Sir, it was becauſe he aſſigned no other Grounds but yours, and that in *your own Words*, however now you would divert the meaning of them another way. And although I was willing to allow you all reaſonable Occaſions for your own *Vindication*, as appears by my Words; yet I was ſenſible enough, that you had given too juſt an Occaſion to apply them in that manner, as appears by the next Page. But becauſe theſe words follow ſome I had quoted out of your *Poſtſcript*, you fall into a nice piece of *Criticiſm* about *them*, which, you ſay, *in Grammatical Conſtruction, muſt refer to the Words of the Poſtſcript*; but any one that reads without a deſign to cavil, would eaſily interpret *them* of your *Words* and *Notions* about which the Debate was; and not of the *Poſtſcript*, which comes in but as a *Parentheſis*. This looks like *Chicaning* in Controverſie; which no Man, who knows his Cauſe is good, ever falls into. *Anſwer to Letter 1. p. 37. Letter 2. P. 45.*

But if, you ſay, *by an unintelligible new way of Conſtruction the word* Them *be applied to any Paſſages in your Book:* What then? Why then, whoever they are, *you intend to complain of them too.* But the words juſt before tell you who they are, *viz. The Enemies of the Chriſtian Faith.* And is this all that you intend, only *to complain of them* for making you a *Party in the Controverſie againſt the Trinity?* But whether you have not made your ſelf too much a *Party in it*, will appear before we have done. *P. 46.*

I had with great Kindneſs, as I thought, taken notice of a Paſſage in your *Poſtſcript:* in which I was glad to find that in general, you owned *the Myſteries of the Chriſtian Faith, and the Scripture to be the Foundation and Rule of it:* From whence I inferr'd, that I could not believe you intended to give any Advantage to the Enemies of the Chriſtian Faith. *This Paſſage*, you ſay, *you were ſurprized to find in a Paragraph deſign'd to give you ſatisfaction.* There are ſome Perſons I find very hard to be *ſatisfied.* For I ſpeak of my *ſatisfaction* in this Paſſage, and that I was glad you agreed ſo far with me, although you could not come up in all things to what I could wiſh. But what Reaſon have you to expreſs ſo much diſſatisfaction at theſe Words? You call it *an extraordinary ſort of Complement*; and that they *ſeem to intimate as though I took you for a Heathen before.* *P. 41.* *P. 43, 44.*

How like a cavilling Exception is this? Do not we know that in the Debate about *the Myſteries of Faith* our Adverſaries are no *Heathens*; but they deny any *Myſteries:* I was glad to find that you owned them; and reſolved your Faith into the Scripture as the Foundation of it. Did not this look more like a good Opinion of you as to theſe matters, than any Inclination to ſuſpect you for a *Heathen?*

But you ſay, *It muſt not be taken for granted, that thoſe who do not write or appear in Print in Controverſies of Religion do not own the Chriſtian Faith, and the Scriptures as the Rule of it.* I was far enough from any ſuch Apprehenſion; but the caſe is quite otherwiſe, with thoſe who are not ſparing of writing about *Articles of Faith*, and among them take great care to avoid ſome which have been always eſteem'd fundamental Articles by the Chriſtian Church. And I think it was no want of *Humanity* or *Chriſtian Charity* in me, that I was ſo glad to find you own *the Myſteries of the Chriſtian Faith* in general: which ſhews at leaſt that you cannot object againſt any *Articles* of Faith, becauſe they contain ſomething *myſterious* in them. *P. 42.*

But I ſaid, *That in all things your Anſwer doth not come fully up to what I could wiſh.* And I think I gave ſufficient Proof of it, as to your *Idea of Subſtance, the Nature of Ideas, the Materiality of the Soul, the diſparaging ſome Arguments to prove the Exiſtence of God, the Tendency of your Principles, and the Ground of Certainty*, &c. Which are put off to another Letter, except the laſt, which is therefore now to be examined.

Answer to Letter 1. p. 38. (3.) The third Answer I gave was, "That your own Grounds of Certainty "tend to Scepticism; and that in an Age wherein the Mysteries of Faith are too "much exposed by the Promoters of Scepticism and Infidelity, it is a thing of "dangerous Consequence to start such new Methods of Certainty, as are apt "to leave Mens minds more doubtful than before. *Letter 2. p. 46.* *These words*, you say, *contain a farther Accusation of your Book, which shall be consider'd in its due place.* But this is the proper place of considering it. For I said, "That hereby you "have given too just occasion to the Enemies of the Christian Faith, to make "use of your Words and Notions, as was evidently proved from your own Con- "cessions. And if this be so, however I was willing to have had you explained your self to the general Satisfaction; yet since you decline it, I do insist upon it, that you cannot clear your self from laying that Foundation, which the Author of *Christianity not Mysterious* built upon. For your Ground of Certainty is *the Agreement or Disagreement of the Ideas, as expressed in any Proposition.* Which are your own Words. From hence I urg'd, "That let the Proposition "come to us any way, either by Humane or Divine Authority, if our Certainty "depend upon this, we can be no more certain, than we have clear Perception "of the Agreement or Disagreement of Ideas contained in it. And from hence "the Author of *Christianity not Mysterious* thought he had Reason to reject all "Mysteries of Faith which are contained in Propositions, upon your Grounds "of Certainty. By this it evidently appears, that although I was willing to allow you all fair ways of interpreting your own Sense; yet I by no means thought that your Words were wholly *misunderstood* or *misapply'd* by that Author: but rather that he saw into the true Consequence of them, as they lie in your Book. And what Answer do you give to this? Not a word in the proper place for it. But afterwards (for I would omit nothing that may seem to help your Cause) you offer something towards an Answer. For there you distinguish *Letter 2. p. 95.* *the Certainty of Faith, and the Certainty of Knowledge, and you humbly conceive the Certainty of Faith*, if I think fit to call it so, *hath nothing to do with the Certainty of Knowledge; and to talk of the Certainty of Faith seems all one to you as to talk of the Knowledge of Believing, a way of speaking not easie for you to understand. So that if I spake never so much the Certainty of Knowledge, it doth not at all concern the Assurance of Faith, that is quite distinct from it, neither stands nor falls with Knowledge. Faith stands by it self, and upon Grounds of its own, nor can be removed from them and placed on those of Knowledge. Their Grounds are so far from being the same, or having any thing common, that when it is brought to Certainty, Faith is destroy'd, 'tis Knowledge then and Faith no longer. So that, whether you are, or are not mistaken in the placing Certainty in the Perception of the Agreement or Disagreement of Ideas, Faith still stands upon its own Basis, which is not at all alter'd by it; and every Article of that hath just the same unmoved Foundation, and the very same Credibility that it had before.* This is the Substance of what you say about this Matter, and is the most considerable Passage in your Book towards clearing this Matter.

Answer to Letter 1. p. 83. But I was aware of this, as appears by these Words; "Is Faith an unreasonable "Act? Is it not an Assent to a Proposition? Then, If all Certainty in Acts of "Reason be derived from the perceiving the Agreement or Disagreement of "the Ideas contained in it; either there can be no Certainty in the reasonable "Act of Faith, or the Grounds of Certainty must be laid some other way.

But this is a Matter of too great Weight and Consequence to be easily past over, because the main strength of your Defence lies in it, and therefore I shall more strictly examine what you say; and set this Point of *the Certainty of Faith* in as good a Light as I can, and shew the Inconsistency of your Notion of Ideas, with the Articles of the Christian Faith. *To talk of the Certainty of Faith*, say you, *seems all one to you as to talk of the Kowledge of Believing; a way of speaking not easie for you to understand.*

But

But how comes *the Certainty of Faith* to become so hard a Point with you? Have not all Mankind, who have talked of Matters of Faith, allow'd a *Certainty of Faith* as well as a *Certainty of Knowledge*, although upon different Grounds? In your former Letter you told us, *that if we knew the Original of Words, we should be much helped to the Ideas they were first applied to and made to stand for.* Now what is there in the *Original* of the word *Certainty* which makes it uncapable of being applied to Faith? I had thought that our Word was taken from the Latin; and that among the Romans it was opposed to doubting, *Nil tam certum quam quod de dubio certum.*

And therefore where the Mind upon examination of the Grounds of Assent saw no Reason for doubting, it might properly be said to be *certain*: If it sees no Cause to doubt from the Evidence of the Thing it self, or the clear Deduction of Consequences, that is *Certainty of Knowledge*; but where it sees no Reason to doubt from the Authority of him that speaks, that is *Certainty of Believing*; and the greater the Authority of him that speaks, the less Reason there is to doubt, and therefore the greater Certainty of Faith. And this I think is *very easie to be understood*, and so have the Generality of Mankind thought to this Day. But it seems our old Words must not now pass in the current Sense; but then it is fit they be *called in*, and *new stampt*, that we may have none but *New milled Words* to talk with; but in common Justice, a competent time ought to be allow'd for it, that none be surprized; and in the mean time they ought to pass in their current Sense; and that is all the Favour I desire in this Matter. But I am utterly against any *Private Mint of Words*; and think those Persons assume too much Authority to themselves, who will not suffer common Words to pass in their general Acceptation; but will set such Bounds and Limits to the Sense of them, as suit best with their own Speculations.

But is not this all one as to talk of the Knowledge of Believing? For what Reason? *Knowledge* and *Faith* are too distinct things, the one relates to *Evidence*, and the other to *Testimony*; but Certainty is common to them both, unless you think it impossible to be certain upon any Testimony whatsoever. You tell us in your *Postscript* (which I hope may be brought hither without Offence) *that it is a shame among Christians to raise such a Doubt of this, Whether an infinitely powerfull and wise Being be veracious or no.* Then I suppose the Veracity of God is a certain and undoubted Principle? and If there be sufficient Means to assure us of Divine Revelation (as I doubt not but you yield there are) what should hinder one, that believes upon such Grounds as are sufficient to convince him, from attaining to a *Certainty of Faith? But you take Certainty as belonging only to Knowledge.* So do the *Papists*, as belonging only to *Infallibility*, and say there can be no *Certainty of Faith*, where there is not an *Infallible Proponent*; but neither you nor they are to impose upon the Understandings of Mankind, who know how to distinguish the *Grounds of Certainty* both from *Knowledge* and *Infallibility*. You allow such a thing as *Assurance of Faith*; and why not *Certainty* as well as *Assurance?* I know no reason, but that you have appropriated *Certainty to the Perception of the Agreement or Disagreement of Ideas in any Proposition*; and now you find this will not hold as to Articles of Faith; and therefore you will allow no *Certainty of Faith*; which I think is not for the Advantage of your Cause.

Postscript p. 3.

P. 96.

But you go on and tell us, *That if this Way of Certainty by Ideas doth not hold, yet it cannot affect Matters of Faith which stand immoveable upon other Grounds*; Faith in your own words *stands still upon its own Basis*; *and every Article of it has just the same unmoved Foundation, and the very same Credibility that it had before.* This will appear to be an extraordinary Answer, when we have throughly examin'd it. Here we see Faith is taken not with respect to the *general Grounds of Certainty*, but to the *particular Articles of Faith*, i. e. the *Propositions* contained in that Revelation which we embrace on the Account of its Divine Authority; now these *Propositions* are of several Kinds. 1. Some

1. Some that are more clearly expreſſed therein, but ſuch as might be attained to by the Light of Reaſon without Revelation. And ſuch are the fundamental Principles of natural Religion, *viz.* The Being of God and Providence, and the Rewards and Puniſhments of a future State. Theſe Mankind may attain to a *Certainty* in, without Revelation, or elſe there can be no ſuch thing as natural Religion in the World; but theſe things are more fully and plainly revealed in the Scriptures. Let us now ſuppoſe a Perſon by natural Reaſon to attain to a Certainty, *as to the Being of God and Immortality of the Soul*; and he proceeds upon your general Grounds of Certainty, *from the Agreement or Diſagreement of Ideas*; and ſo from the *Ideas of God and the Soul*, he is made certain of thoſe two Points before mention'd. But let us again ſuppoſe that ſuch a Perſon upon a farther Examination of your Method of Proceeding finds that the
P. 131. Way of *Ideas* in theſe Caſes will not do; for *no Idea proves the Exiſtence of the thing without it ſelf, no more than the Picture of a Man proves his Being, or the Viſions of a Dream make a true Hiſtory*, (which are your own Expreſſions.) And for the *Soul* he cannot be *certain, but that Matter may think*, (as you affirm) and then what becomes of the Soul's Immateriality (and conſequently Immortality) from its Operations? But for all this, ſay you, *his Aſſurance of Faith remains firm on its own Baſis.* Now I appeal to any Man of Senſe, whether the finding the Uncertainty of his own Principles which he went upon in Point of Reaſon, doth not weaken the Credibility of theſe fundamental Articles when they are conſider'd purely as *Matters of Faith?* For before, there was a natural Credibility in them on the Account of Reaſon; but by going on wrong Grounds of Certainty, all that is loſt; and inſtead of being certain he is more doubtfull than ever. And if the Evidence of Faith falls ſo much ſhort of that of Reaſon, it muſt needs have leſs Effect upon Mens Minds, when the ſubſerviency of Reaſon is taken away, as it muſt be when the Grounds of Certainty by Reaſon are vaniſhed. Is it at all probable, that he who finds his Reaſon deceive him in ſuch Fundamental Points ſhould have *his Faith ſtand firm and unmoveable* on the account of Revelation? For in Matters of Revelation, there muſt be ſome Antecedent Principles ſuppoſed before we can believe any thing on the Account of it.

And the firſt is, *that there is a God*; but this was the very thing he found himſelf at a loſs in by his way of *Certainty by Ideas*; and how can his Faith ſtand firm as to Divine Revelation, when he is made Uncertain by his own Way, whether there be a God or no? Beſides, to ſuppoſe Divine Revelation we muſt be certain that there is a Principle above Matter and Motion in the World; but here we find, that upon the Principles of *Certainty by Ideas* he cannot be certain of this; becauſe he doth not know but Matter may think, and conſequently, all Revelation may be nothing but the Effects of an Exalted Fancy, or the Heats of a diſordered Imagination, as *Spinoza* affirmed. Again, before there can be any ſuch thing *as Aſſurance of Faith upon Divine Revelation*, there muſt be a Certainty as to *Senſe* and *Tradition*; for there can be no Revelation pretended now without immediate Inſpiration; and the Baſis of our Faith is a Revelation contained in an Ancient Book, whereof the Parts were delivered at diſtant Times, but conveyed down to us by an Univerſal Tradition. But now, what if your Grounds of Certainty can give us no Aſſurance as to theſe things? I do not mean, that they cannot demonſtrate Matters of Fact, which it were moſt unreaſonable to expect; but that theſe Grounds of Certainty make all things
P. 131. uncertain; for I think I have proved, that this way of Ideas cannot give a ſatisfactory account as to the Exiſtence of the plaineſt Objects of Senſe; *becauſe Reaſon cannot perceive the Connexion between the Objects and the Ideas.* How then can we arrive to any Certainty in perceiving thoſe Objects by their Ideas? And I was in the right, when I ſaid *this Way tended to Scepticiſm*; and I do not think that conſiſtent with *the Aſſurnce of Faith.*

But

But this is an Imputation you take very ill, and ſay, *that I have brought no Argument for it, but only that my great Prejudice againſt this way of Certainty is, that it leads to Scepticiſm.* (*Scepticiſm* is the *New Mill'd* Word.) This is very ſtrange, when that Expreſſion is only the Introduction to the Arguments from *p.* 125. to 132. to which no Anſwer is given. And ſo I leave it. Letter 2. p. 170.

2. There are other *Propoſitions* or *Articles of Faith* which wholly depend on the Senſe of Words contain'd in the Scripture, and we are to enquire, whether *the Aſſurance of Faith*, as you call it, be conſiſtent with the overthrowing your Grounds of Certainty; *i. e.* whether thoſe who embrace the Articles of Faith *in the Way of Ideas*, can retain their Certainty of thoſe Articles when theſe *Ideas* are quitted. And this alone will be a plain Demonſtration in the Caſe, that the Certainty of Faith cannot ſtand with ſuch Men, if this way of Certainty by Ideas be deſtroyed. And by this which I am now to make out, let any one judge how true your Words are like to prove, when you ſay, *Let the Grounds of Knowledge or Certainty be reſolved into what they pleaſe, it touches not your Faith; the Foundation of that ſtands as ſure as before, and cannot be at all ſhaken by it.* Of this we ſhall judge by ſome important Articles of *Chriſtian Faith* according to your *Ideas*.

The firſt ſhall be that *of the Reſurrection of the Dead.* The Reaſon of believing the Reſurrection of *the ſame Body* upon your Grounds is from *the Idea of Identity*; which I take to be this from your own words. 1. *That the Identity of living Creatures depends not on a Maſs of the ſame Particles, but on ſomething elſe; for in them the variation of great Parcels of Matter alters not the Identity; for which you inſtance in the growth of an Oak and a Horſe.* 2. *That the Identity of a Man conſiſts in nothing but a Participation of the ſame continued Life by conſtantly fleeting Particles of Matter, in Succeſſion vitally united to the ſame Organized Body.* 3. *That Perſonal Identity*, i. e. *the ſameneſs of a Rational Being lies in Self-conſciouſneſs, and in that alone, whether it be annexed only to one Individual Subſtance, or can be continued in a Succeſſion of ſeveral Subſtances.* 4. *That thoſe who place Thought in a purely material, animal Conſtitution, void of Spirit, do place Perſonal Identity in ſomething elſe than Identity of Subſtance, as Animal Identity is preſerved in Identity of Life and not of Subſtance.* 5. *That it matters not to this point of being the ſame ſelf, whether this preſent ſelf be made up of the ſame or other Subſtances.* 6. *That in this Perſonal Identity of Self-conſciouſneſs is founded all the Right and Juſtice of Reward and Puniſhment, Happineſs and Miſery, being that for which every one is concerned for himſelf, not mattering what becomes of any Subſtance not joined to, or affected with that Conſciouſneſs.* 7. *That the Sentence at the Day of Judgment will be juſtified by the Conſciouſneſs all Perſons ſhall have that they themſelves in what Bodies ſoever they appear, or what Subſtances ſoever that Conſciouſneſs adheres to, are the ſame that committed thoſe Actions and deſerve that Puniſhment for them.* This I ſuppoſe to be a true and juſt Account of your Senſe of this Matter; and ſo the Article of the *Reſurrection* is Reſolved into your *Idea* of *Perſonal Identity*. And the Queſtion between us now is, Whether your Certainty of this Matter from your *Idea* have no influence on the Belief of this Article of Faith? For the main of your Defence lies upon this Point, Whether *your Method of Certainty by Ideas, doth at all ſhake, or in the leaſt concern the Aſſurance of Faith?* which you abſolutely deny, and affirm, *That Faith ſtands upon its own Baſis, and is not at all altered by your Method of Certainty; and every Article of that has juſt the ſame unmoved Foundation, and the very ſame Credibility that it had before.* Now I take this Article of *the Reſurrection of the Dead* to be *an Article of Faith*, and we are to conſider, whether if your Method of Certainty by Ideas do hold in this Matter, it continues *as firm, and in the ſame Credibility it had before?* I ſhall not urge you with the Senſe of our own or other Chriſtian Churches in this Point of the Sameneſs of the Body in the Reſurrection of the Dead, but I ſhall confine my ſelf to the Scripture as Eſſay, B. 2. ch. 27 n. 3. n. 6. n. 9. n. 11. n. 16. n. 18. n. 26. Letter 2. p. 96.

the

the Foundation and Rule of our Faith; and the main Point is, Whether according to that, it be not neceſſary for the ſame Subſtance which was united to the Body to be raiſed up at the laſt Day? I do not ſay the ſame individual Particles of Matter which were united at the Point of Death; for there muſt be a great Alteration in them in a lingring Diſeaſe, as if a Fat Man falls into a Conſumption: I do not ſay, the ſame Particles which the Sinner had at the very time of commiſſion of his Sins; for then a long Sinner muſt have a vaſt Body, conſidering the continual ſpending of Particles by Perſpiration; but that which I ſuppoſe is implyed in it is, that it muſt be the ſame Material Subſtance which was vitally united to the Soul here. You mention the *Hypotheſis* of thoſe, who
n. 25. place *Thought in a purely Material Animal Conſtitution void of Spirit*: but *you agree, that the more probable Opinion is, that this Conſciouſneſs is annexed to the Affection of one Individual Immaterial Subſtance.* It is very well that it is allowed to be the *more probable Opinion*; but it ſeems without any Certainty as to the Truth of it. For you have told us, what the Effect of *Probability* is,
Eſſay, B. 4. ch. 15. Sect. 1. *viz. That it is enough to induce the Mind to judge the Propoſition true or falſe rather than the contrary*; and that *it is converſant about things whereof we have no Certainty, but only ſome Inducements to receive it for true.* Thence I cannot but
Sect. 4. obſerve, that we have no Certainty upon your Grounds, that *Self-conſciouſneſs* depends upon an individual immaterial Subſtance, and conſequently that a Material Subſtance may, according to your Principles, have Self-conſciouſneſs in it; at leaſt that you are not certain of the contrary. Now I pray conſider, whether this doth not a little affect the whole Article of the *Reſurrection?* For, if it may be only a Material Subſtance in us that thinks, then this Subſtance, which conſiſts in the Life of an Organiz'd Body, muſt ceaſe by Death; for how can that, which conſiſted in Life, be preſerved afterwards? And if the *Perſonal Indentity* conſiſts in a *Self-conſciouſneſs* depending on ſuch a Subſtance as cannot be preſerved without an Organiz'd Body, then there is no Subſiſtence of it ſeparate from the Body, and the Reſurrection muſt be giving a new Life. To whom? To a Material Subſtance which wholly loſt its Perſonal Identity by Death. So that here can be no *Perſonal Identity* at all; unleſs you ſay the very ſame Life which was long ſince at an end can be Reproduced. Which I ſuppoſe you will not aſſert.

But let us take *the more probable Opinion*; which I think *certain, viz.* That Self-conſciouſneſs depends upon an Immaterial Principle in us; and then the Queſtion is, How far the Scripture determines the ſameneſs of the Body at the Reſurrection, *i. e.* of that Material Subſtance, which was vitally united with that Immaterial Subſtance in this Life. The Doctrine deliver'd by our
John 5. 28, 29. Saviour is, *that all that are in the Graves ſhall hear his voice; and ſhall come forth; they that have done good unto the Reſurrection of Life, and they that have done evil to the Reſurrection of Damnation.* What is the meaning of *all that are in their Graves?* Doth this relate to any other *Subſtance* than that which was united to the Soul in Life? Can a different Subſtance be ſaid to be *in the Graves and to come out of them?* Is it *not material,* as you ſay, *whether the preſent Self be made up of the ſame or other Subſtances?* If it be not ſo to your *Idea* of *Identity,* it is as to the Senſe of our Saviour's Words: unleſs you can make it out, that a Subſtance which never was *in the Grave* may *come out of it.* But it may be ſaid, *That if theſe Words be taken ſtrictly they confine the Reſurrection to thoſe Particles of Matter only which were in the Grave; if not, then they may extend to another Subſtance.* I anſwer, that by comparing this with other places we find that the Words are to be underſtood of the Subſtance of that Body to which
2 Cor. 5. 10. the Soul was united; and not to thoſe Individual Particles. So St. *Paul, For we muſt all appear before the Judgment-Seat of Chriſt, that every one may receive the things done in his body, according to that he hath done, whether it be good or bad.* Can theſe words be underſtood of any other Material Subſtance, but *that*

Body

Body in which these things were done? How could it be said, if any other Substance be joyned to the Soul at the Resurrection, as its Body, that they were *the things done in or by the Body? Curcellæus* his Copy reads it, ἃ διὰ τῦ σώματος ἔπραξεν; the *Complutensian* τὰ ἴδια τῦ σώματος, and several of the Fathers so took it; either way, it must relate to that which was the *real Body* in which the Person lived and acted, whether *Good or Evil.* And St. *Paul's* Dispute about the manner of raising the Body might soon have been ended, if there were no necessity of the same Body. *If there be no Resurrection of the Dead, then is not* 1 Cor. 15. *Christ raised.* It seems then other Bodies are to be raised as his was; and can 16. there be any doubt whether his Body were the same material Substance which was united to his Soul before? And the Apostle lays so much weight upon it, that he saith, *if Christ be not raised your Faith is vain*; doth he mean, if there 17. were not the same *personal Identity*, as to the Soul of Christ and the Matter united to it after the Resurrection? That cannot be his meaning, for then there would have been no necessity of Christs own Body being raised, which he asserts and proves by undoubted Witnesses. Were they Witnesses only of *some material Substance* then united to his Soul? He saith, *He was seen of five hundred* 6. *Brethren at once.* What *He* was this? It was *Christ that died. Yes, the Person* 4. *of Christ; but personal Identity doth not require the same Substance, but the same Consciousness; and so if Christ were conscious to himself in another Substance, there was no necessity of the same Body.* And so truly from the seeing the Person of Christ they could not prove it was the same Individual Body. But *Thomas* said, John 20. *Except I shall see in his hands the print of the Nails, and put my Finger into the* 25. *print of the Nails, and thrust my Hand into his side, I will not believe.* The doing whereof convinced him it was the same Individual Body; but there will be no such proof at the great Day. And there is no Reason there should, since the Resurrection of Christ was a sufficient proof of God's Power to raise the Dead, and the Dissimilitude of Circumstances can be no Argument against it, since the Power and Wisdom of God are concerned in it.

But the Apostle insists upon the *Resurrection of Christ*, not meerly as an Argument of the Possibility of ours, but of the Certainty of it; *because he rose as the first Fruits*; *Christ the first Fruits, afterwards they that are Christs at his coming.* 1 Cor. 15. St. *Paul* was aware of the Objections in Mens Minds about the Resurrection of 20, 23. the same Body; and it is of great Consequence as to this Article to shew upon what Grounds he proceeds. *But some Man will say, How are the Dead raised* 35. *up, and with what Body do they come?* First he shews, that the seminal parts of Plants are wonderfully improved by the ordinary Providence of God in the manner of their Vegetation. They *sow bare Grain of Wheat, or of some other Grain,* 36, 37, 38 *but God giveth it a Body, as it hath pleased him, and to every Seed his own Body.* Here is an Identity of the Material Substance supposed; τὸ ἴδιον σῶμα, *that proper Body* which belongs to it; every Seed having that Body in little, which is afterwards so much inlarged; and in Grain the Seed is corrupted before its Germination; but it hath its proper *Organical Parts*, which make it the same Body with that which it grows up to. For although Grain be not divided into *Lobes* as other Seeds are, yet it hath been found, by the most Accurate Observations, that upon separating the Membranes these Seminal Parts are discerned in them; which afterwards grow up to that Body which we call *Corn.* St. *Paul* indeed saith, *that we sow not that Body that shall be*; but he speaks not of the *Identity* but the *Perfection* of it. And although there be such a difference from the Grain it self, when it comes up to be perfect Corn, with Root, Stalk, Blade and Ear, that it may be said to outward Appearance not to be the same Body, yet with regard to the Seminal and Organical Parts, it is as much the same as a Man grown up is the same with the *Embryo* in the Womb. And although many Arguments may be used to prove, that a Man is not the same, because Life which depends upon the course of the Blood and the manner

of Reſpiration and Nutrition is ſo different in both ſtates, yet that Man would be thought Ridiculous that ſhould ſeriouſly affirm, that it was not the ſame
Sect. 4. Man. And you grant, *that the variation of great parcels of Matter in Plants, alters not the Identity: and that the Organization of the Parts in one coherent Body partaking of one common Life makes the Identity of a Plant*; ſo that in things capable of any ſort of Life, the *Identity* is conſiſtent with a continued ſucceſſion of Parts; and ſo the Wheat grown up is the ſame Body with the Grain that was ſown. And thus the Alteration of the Parts of the Body at the *Reſurrection* is conſiſtent with its *Identity*, if its *Organization* and *Life* be the ſame; and this is a *Real Identity* of the Body which depends not upon *Conſciouſneſs*. From whence it follows, that to make the ſame Body, no more is required but reſtoring
Sect. 6. Life to the *Organized Parts* of it. And you grant likewiſe, *That the Identity of the ſame Man conſiſts in a Participation of the ſame continued Life by conſtantly fleeting Particles of Matter in Succeſſion vitally united to the ſame Organized Body.* So that there is no difficulty as to the ſameneſs of the Body, if Life were continued; and if by Divine Power Life be reſtored to that Material Subſtance which was before united, by a Re-union of the Soul to it, there is no Reaſon to deny the Identity of the Body. Not from the Conſciouſneſs of the Soul, but from that Life which is the Reſult of the Union of Soul and Body. But St. *Paul* ſtill ſuppoſes that it muſt be that Material Subſtance to which the Soul was
42. before united. For ſaith he, *It is ſown in Corruption, it is raiſed in Incorrupti-*
43. *on: It is ſown in Diſhonour, it is raiſed in Glory; It is ſown in Weakneſs, it is*
44. *raiſed in Power; It is ſown a Natural Body, it is raiſed a Spiritual Body.* Can ſuch a Material Subſtance which was never united to the Body be ſaid to be *ſown* in *Corruption*, and *Weakneſs*, and *Diſhonour*? Either therefore he muſt ſpeak of the ſame Body, or his meaning cannot be comprehended. For what doth all this relate to a *Conſcious Principle*? The Apoſtle ſpeaks plainly of that Body which was once quickened and afterwards falls to Corruption; and is to
53, 54. be reſtored with more noble Qualities. *For this Corruptible muſt put on Incorruption, and this Mortal muſt put on Immortality.* I do not ſee how he could more expreſly affirm the Identity of this Corruptible Body, with that after the Reſurrection, and that without any Reſpect to the Principle of *Self-conſciouſneſs*; and ſo if the Scripture be the ſole Foundation of our Faith, this is an Article of it, and ſo it hath been always underſtood by the Chriſtian Church. And your *Idea* of *Perſonal Identity* is inconſiſtent with it; for it makes the ſame Body which was here united to the Soul not to be neceſſary to the Doctrine of the *Reſurrection*, but any Material Subſtance being united to the ſame Principle of *Conſciouſneſs* makes the ſame Body. The Diſpute is not, how far *Perſonal Identity* in it ſelf may conſiſt in the very ſame Material Subſtance; for we allow the Notion of *Perſonal Identity* to belong to the ſame Man under ſeveral changes of Matter; but whether it doth not depend upon a *Vital Union* between the Soul and Body and the Life which is conſequent upon it; and therefore in the *Reſurrection* the ſame Material Subſtance muſt be reunited; or elſe it cannot be called a *Reſurrection*, but a *Renovation*; i. e. it may be a *New Life*, but not a *raiſing the Body from the Dead.*

2. The next Articles of Faith which your Notion of *Ideas* is inconſiſtent with, are no leſs than thoſe of the *Trinity* and of *the Incarnation of our Saviour.* The former by the firſt Article of our Church is expreſſed *by three Perſons in the Unity of the Divine Nature:* the latter is ſaid Art. 2. to be *by the Union of the Divine and Humane Nature in one Perſon.* Let us now ſee whether your *Ideas* of *Nature* and *Perſon* can conſiſt with theſe. But before I come to that I muſt endeavour to ſet this Matter right, as to the Diſpute about the Notion of *Nature* and *Perſon*, which you have endeavour'd with all your Art to perplex and confound, and have brought in ſeveral *Interlocutrs* to make it look more like an Entertainment: Of which afterwards. The Original Queſtion was, Whether

ther we could come to any Certainty about the Distinction of *Nature* and *Person* in the *Way of Ideas*; and my business was to prove that we could not, because we had no *simple Ideas by Sensation or Reflection, without which you affirm that our Understanding seems to you not to have the least Glimmering of Ideas: and that we have nothing in our Minds which did not come in one of these two Ways.* Essay B. 2 c. 1. Sect. 5

These are your own Words. And then I undertook to shew, that it was not possible for us to have any simple Ideas of *Nature* and *Person* by *Sensation* or *Reflection*: and that whether we consider'd *Nature* as taken for Essential Properties, or for that Substance wherein that Property lies: whether we consider it in distinct individuals, or abstractly; still my Design was to shew that in your Way of *Ideas*, you could come to no Certainty about them. And as to *Person* I shew'd, that the Distinction of Individuals is not founded meerly on what occurs to our Senses, but upon a different manner of Subsistence, which is in one Individual, and is not communicable to Another. And as to this I said, that we may find within our selves an intelligent Substance by inward Perception; but whether that make a Person or not, must be understood some other way; for if the meer intelligent Substance make a Person, then there cannot be the Union of two such Natures, but there must be two Persons. Which is repugnant to the Article of the Incarnation of our Saviour. *Vindication of the Trinity, p. 252, &c.* P. 260.

That this was the true State of the Question will appear to any one that will vouchsafe to look into it. But what said you in your first Letter in Answer to it?

As to *Nature* you say, *That it is a Collection of several Ideas combined into one complex, abstract Idea, which when they are found united in any Individual existing, though joyned in that Existence with several other Ideas, that individual or particular Being is truly said to have the Nature of a Man, or the Nature of a Man to be in him; forasmuch as these simple Ideas are found united in him, which answer the complex, abstract Idea, to which the specifick Name is given by any one: which abstract specifick Idea, he keeps the same when he applies the specifick Name standing for it to distinct Individuals.* Letter 1. p. 165.

And as to *Person*, *in the way of Ideas*, you say *that the Word Person in it self signifies nothing, and so no Idea belonging to it, nothing can be said to be the true Idea of it. But as soon as the common Use of any Language has appropriated it to any Idea, then that is the true Idea of a Person, and so of Nature.* P. 216.

Against this I objected in my Answer to that Letter, that if these Terms really signifie nothing in themselves, but are only abstract and complex Ideas, which the common Use of Language hath appropriated to be the signs of two Ideas; then it is plain that they are only Notions of the Mind, as all abstracted and complex Ideas are; and so one Nature and Three Persons can be no more: *Answer to Letter 1.* p. 103.

To this you answer in your second Letter, *That your Notion of the Terms Nature and Person is, that they are two sounds that naturally signifie not one thing more than another, nor in themselves signifie any thing at all, but have the signification which they have barely by Imposition.* Whoever imagined that Words signifie any otherwise than by Imposition? *Letter 2.* p. 109.

But the Question is, whether these be meer *Words* and *Names*, or not? Or whether there be not a real Foundation in things for such a Distinction between *Nature* and *Person*? Of which I gave this evident Proof, that if it were not the same Nature in different Individuals, every Individual must make a different Kind.

And what Answer do you give to this plain Reason? Nothing particular that I can find. But in the general you say, *that all that you can find that I except against in your Notion of Nature and Person is nothing but this*, viz. *that these are two sounds which in themselves signifie nothing.* And is this all indeed? Did not I tell you in these Words, (which I am forced to repeat on this occasion, although I am very unwilling to fill Pages with Repetitions.) "The Question "now between us comes to this, whether the common Nature or Essence of "things P. 100. *Answer to Letter 1.* p. 107.

" things lies only in an abſtract Idea, or a general Name, and the real Eſſence " conſiſts only in particular Beings from which that Nature is abſtracted? The " Queſtion is not whether in forming the Notion of common Nature, the Mind " doth not abſtract from the Circumſtances of particular Beings; but it is whe- " ther there be not an Antecedent foundation in the Nature of things, upon " which we form this abſtract Idea? For if there be, then it cannot be " called an Univerſal Name only; or a meer ſign of an Idea, which we have " formed from putting many ſimple Ideas together, which Name belongs to " all of ſuch a ſort, as have thoſe ſimple Ideas united together.

In theſe Words, which you cannot deny to be in the place mention'd, I thought I had ſtated the Caſe fairly between us. And why do you not return an Anſwer to them? But inſtead of that you only mention another Paſſage more liable to cavilling, where I ſay, " That upon your Notions of Nature and Perſon, I do not " ſee how it is poſſible to defend the Doctrine of the Trinity. For if theſe Terms " really ſignifie nothing in themſelves, but are only abſtract and complex I- " deas, which the common uſe of Language hath appropriated to be the ſign " of two Ideas; then it is plain that they are only Notions of the Mind, as " all abſtract and complex Ideas are; and ſo one Nature and three Perſons can " be no more.

P. 103.

Upon this you charge me with affirming that of you which you never ſaid, viz. *that theſe Terms are only abſtract or complex Ideas:* but your Words are, *Taking therefore Nature and Perſon for the ſign of two Ideas they are put to ſtand for: and by enumerating all the ſimple Ideas, that are contained in the complex Idea, that each of them is made to ſtand for, we ſhall immediately ſee the whole difference that is between them.*

Letter 2. p. 112. Letter 1. p. 27.

Theſe are your own Words. Now from thence it appears, that *Nature* and *Perſon* are Terms which are the ſigns of two Ideas by your own Confeſſion: *but you never made theſe, or any other Terms to be Ideas: and you ſhould be aſhamed of ſuch Jargon.*

But have not you ſaid in your Eſſay, *that it is a very common Practice for Names to be made uſe of inſtead of the Ideas themſelves, eſpecially if the Ideas be very complex.* *Nature* and *Perſon* you grant to be complex Ideas; and *theſe Terms* you confeſs *are appropriated to be the ſigns of two Ideas:* Therefore here is an Ambiguity in the Uſe of theſe Words, for they are *complex Ideas themſelves*, and they are made *the ſigns of them*; and ſo the Words of the Sentence are cable of both thoſe Senſes.

Eſſay B. 4. c. 6. Sect. 1.

For it is true, according to you, that *theſe Terms, Nature* and *Perſon, really ſignifie nothing in themſelves, but are only complex and abſtract Ideas*; and *thoſe Terms are appropriated to be the ſigns of two Ideas.* So that *Nature* and *Perſon* are both Ideas themſelves, and thoſe *Terms* are *the Signs of two Ideas:* and the Senſe had not been liable to Exception, if *And* had been inſerted; " For if theſe " Terms really ſignifie nothing in themſelves, but are only abſtract and com- " plex Ideas; *And* which the common Uſe had appropriated to be the Signs of two Ideas, *&c.* But whether this be properly expreſſed or not, according to your Senſe of Ideas, the Weight of the Controverſie depends not at all upon it; but whether *Nature* and *Perſon* can be any other but *abſtract Ideas*, according to your own plain Expreſſions; and if they are ſo, they are no more than Notions of the Mind, and then the Conſequence muſt hold, that *One Nature* and *three Perſons* can be no more. Upon which I ſaid, I did not ſee how it was poſſible to defend the Doctrine of the Trinity, (and I now add of the *Incarnation*) which was the thing I undertook to make out.

Letter 2. p. 113.

But you very freely ſay, *whether I rightly deduce from it this Conſequence*, viz. *And ſo one Nature and three Perſons can be no more; is what you neither know nor are concerned to examine.* Which I think is an Expreſſion could hardly drop from a Perſon, who did know how to declare his Belief of *three Perſons in the Unity*

of

of the Divine Nature. But you pretend *these are none of your Notions of Nature and Person, nor indeed any thing you can understand.* But it is plain, that this Consequence follows from your own Notions of *Nature* and *Person*; as they are set down expressly by your self in the former Letter.

You tell me, *I made this Inference a little in haste!* Whether a Man write *in haste* or not, the World will judge by what appears, and not by what he or any other saith. And I think it will appear, that I did not make this Inference *in haste*, but from a deliberate Consideration of your Notion of the Ideas of *Nature* and *Person.* But by *those Terms signifying nothing in themselves*, you say, *that you meant, that they are two sounds that naturally signifie not one thing more than another, nor in themselves signifie any thing at all, but have the signification which they have barely by Imposition.* And was this truly all that you meant by it? And do you think that *Peter*, and *James*, and *John*, signifie any thing by *Nature?* Are not all Words made significative by *Imposition?* But is there no difference in the signification of Words as they stand for signs of Things? If they be Words for *particular Substances*, then you grant, that there is something really existing which is meant by those Words; but if they relate only to the Conceptions of the Mind, then they signifie them and no more. And the Question is, which of these two you meant by those Words *Nature* and *Person?* And you plainly affirm both of them to be *complex Ideas*, which are made only by an Act of the Mind, and therefore your meaning can be no otherwise understood. P. 109. P. 109.

You presume, that upon more leisurely thoughts, both my self and the rest of Mankind will concur with you. I never affected Singularity, and am ready to comply with the rest of Mankind in any reasonable thing. But you say, *that this Notion of Nature and Person, That they are two Words that signifie only by Imposition, is what will hold in the common Sense of Mankind.* No doubt of it: But I must again and again tell you, that is not the Point in Question, but whether they are only *abstract and complex Ideas*, which have no other Being but in the Mind? And to this you answer not a Word. I do not in the least think as you suggest, *that it is necessary to the Defence of the Trinity, that these two Articulate sounds should have Natural significations, and that unless they are used in those significations, it were impossible to defend the Doctrine of the Trinity.* But I do affirm that those who make *Nature* and *Person* to be *only abstract and complex Ideas*; can neither *defend* nor reasonably *believe* it. And this is making *no extraordinary Supposition necessary to the Belief or Defence of it*; but only that which in the common Sense of Mankind is necessary to it. For, if you have expressed your own Mind in your former Letter; that must guide us in your Notion of *Nature* and *Person*, where you undertook to explain them. For if *Nature* and *Person* be *abstract*, and *complex Ideas*, as you say, and such are only Acts of the Mind, I do not see how it is possible for you to reconcile these Notions with the Articles of the *Trinity* and *Incarnation.* P. 110. P. 111. P. 112.

I do not go about to accuse you of *denying these Doctrines*; I hope you do not. But I impute all this Hesitancy and doubting only to your *Notions* of *Ideas*; which you had been so long forming in your Mind, that as it often happens in such Cases, one darling favourite Notion proves too hard for some Points of far greater Consequence, when they are found inconsistent with it. And because you had first fixed your Notion of *Ideas*, and taken much Pains about them, you thought all other things were to be entertained as they appear'd consistent with them. But you could not but find, that the Articles of *three Persons*, and *one Nature*; and two *Natures*, and one *Person*, were not reconcileable with your *Ideas* of *Nature* and *Person*; which is that they are *complex Ideas*, which depend upon the Act of the Mind; for this were to make the *two Natures in Christ* to be only two *complex Ideas.* For if *Nature*, as you say, *be a Collection of several Ideas combined into one complex abstract Idea*; then two Natures can be nothing else but two such *Collections*, or two *abstracted* and *complex Ideas.*

It

It may be ſaid, *that when you make Nature an abſtracted and complex Idea, you ſpeak of a ſpecifick Idea*, but the Humane Nature in Chriſt was a particular Subſtance, and this *you aſſert to be a real thing, and not to depend on the Act of the Mind.*

Letter 1. p. 32. But this doth not clear the matter. For in your former Letter you ſaid, that *all the Ideas we have of particular diſtinct Subſtances, are nothing but ſeveral Combinations of ſimple Ideas:* which in Corporeal Subſtances are *ſenſible Qualities*, in Incorporeal are *Operations of the Mind.* The utmoſt then which the Idea of Humane Nature in Chriſt comes to is, that there were in him the *ſenſible Qualities* and *Intellectual Operations* of a Man, with an unknown Subſtance to ſupport them: which belongs not to the ſimple Ideas, but is ſuppoſed by them. This is all I can make of your way of Ideas: and ſo the Incarnation of Chriſt is the aſſuming the ſenſible Qualities, and intellectual Operations of a Man, to which a *Subſtratum* doth belong: but is no part of the ſimple Ideas. So that we can have no *Idea* at all of the *Humane Nature of Chriſt*; but only an Inference, that ſince thoſe are but Accidents, there muſt be a *Subſtratum* to ſupport them; and conſequently there was a *particular Subſtance* in him made up of Mind and Body. But if this had come in the way of Ideas, yet it cannot make out the *Humane Nature* of *Chriſt*. For if it were in him no otherwiſe than in other Men, then the *Myſtery of the Incarnation* is quite gone, and Chriſt is to be conſider'd but like other Men; which doth not anſwer to what the Scripture ſaith of the *Word's being made Fleſh*, and *that God was manifeſt in the Fleſh*. There muſt be therefore ſomething beyond the meer Humane Nature in him; and either it muſt be only ſome Divine Operation upon, and with it, and that is *no Subſtance*; or if it be a Subſtance, it muſt either co-habit with it, or elſe be united to it. If it only co-habits, then there are two Perſons dwelling together in one Body, and the Actions of one cannot be attributed to the other; if there be a real Union between them, ſo as the Acts belong to *one Perſon*; then there muſt be ſuch a Manner of Exiſtence in the Humane Nature of Chriſt, which is different from it in other Perſons. For in all others, the Acts belong to the Humane Perſon; but if it were ſo in Chriſt, then the Divine Acts of Chriſt muſt flow from the Humane Nature as the Principle of them; which is to confound the Divine and Humane Nature, and Operations together: If they come from the Divine Perſon, then the Humane Nature muſt have another kind of Subſiſtence than it hath in others, or elſe there muſt be two Perſons; and *Perſon* being as you ſay, *a Forenſick Term*, there muſt be two different Capacities of Rewards and Puniſhments; which is ſo abſurd an Opinion as I think no one will aſſert.

Eſſay l. 2. ch. 27. Sect. 26.

Letter 1. p. 216. If there be then but *one Perſon and two Natures*, how can you poſſibly reconcile this to your way of Ideas? *Perſon*, ſay you, *in it ſelf ſignifies nothing; but as ſoon as the common uſe of any Language has appropriated it to any Idea, then that is the true Idea of a Perſon*, i. e. Men may call a *Perſon* what they pleaſe, for there is nothing but *common uſe* required to it: They may call *a Horſe*, or *a Tree*, or *a Stone a Perſon* if they think fit; but ſince the common uſe of Language hath appropriated it to an *Intelligent Being*, that is, *a Perſon.*

Eſſay, l. 2. ch. 27. Sect. 9. And ſo you tell us, *That Perſon ſtands for a Thinking Intelligent Being that hath Reaſon and Reflection, and can conſider it ſelf as it ſelf, the ſame thinking Being in different times and places.* How comes *Perſon to ſtand for this* and nothing elſe? From whence comes *Self-conſciouſneſs in different times and places* to make up this *Idea* of a Perſon? Whether it be true or falſe, I am not now to enquire, but how it comes into this *Idea* of a Perſon? Hath *the common uſe of our Language appropriated it to this Senſe?* If not, this ſeems to be a meer Arbitrary Idea; and may as well be denied as affirmed. And what a fine paſs are we come to in the *Way of Ideas*, if a meer *Arbitrary Idea* muſt be taken into the only true Method of *Certainty?* But of that afterwards. We now proceed in the *Way of Ideas* as you give it us. But if this be the true *Idea* of a *Perſon*, then

then there can be no Union of two Natures in one Person: For if an Intelligent Conscious Being be the Idea of a Person; and the Divine and Humane Nature be Intelligent Conscious Beings, then the Doctrine of the Union of *two Natures and one Person* is quite sunk, for here must be two Persons in this way of Ideas. Again, if this be the Idea of a Person, then where there are three Persons, there must be three distinct Intelligent Beings; and so there cannot be three Persons in the same individual Essence. And thus both these Doctrines of the *Trinity* and *Incarnation* are past recovery gone, if this Way of *Ideas* hold. So great a difference there is, between forming Ideas first, and then judging of Revelation by them; and the believing of Revelation on its proper Grounds, and interpreting the Sense of it by the due Measures of Reason. You may pretend what you please, that you hold the *Assurance of Faith*, and the *Certainty by Ideas* to go upon very different Grounds; but when a Proposition is offered you out of Scripture to be believed, and you doubt about the Sense of it, is not Recourse to be made to your *Ideas?* As, in the present Case, whether there can be *three Persons in one Nature*, or *two Natures and one Person*; what Resolution can you come to upon your Principles, but in the way of *Ideas*? You may possibly say, *That where Ideas are clear and distinct, there you are to judge of Revelation by them*; and this is what you assert in your *Essay, That in Propositions whose Certainty is built on clear and perfect Ideas and evident Deductions of Reason, there no Proposition can be received for Divine Revelation which contradicts them; from hence you conclude it impossible for the same Body to be in two Places at once.* And yet there is a Person who hath lately told the World, that *there is one certain secret way how by Divine Power, the same Body, but not the same Person, may be in very distant places at once*; but he is advised to keep it up as a Secret; which was good friendly Advice: But till it be discovered there is no judging of it. Here I observe, that you require *clear and distinct Ideas*; and yet we find, if a Man's Word may be taken, these *clear and distinct Ideas* do not prove the thing impossible. But what is to be said when *the Ideas are not clear and distinct?* You say, *Your Method of Certainty is by the Agreement or Disagreement of Ideas, where they are not in all their Parts perfectly clear and distinct.* And this is your *Secret* about Certainty; which I think had been better kept up too: For I pray, in the Case now before us, Are your *Ideas* of *Nature* and *Person clear and distinct* or not? if they are, then it is plain from your own Doctrine, that if Revelation be pretended, you are to reject it. How then comes *the Certainty of Faith to be preserved firm and immoveable, although the Grounds of Certainty be disputed?* But suppose they are not *clear and distinct?* What is to be done in a Matter of Revelation contrary to your *Ideas?* Are you to submit to the *Revelation* or not? *Whatever God hath Revealed is most certainly true, no doubt can be made of it. This is the proper Object of Faith; but whether it be a Divine Revelation or no*, you say, *Reason must judge.* Yes, Reason proceeding upon *clear* and *distinct Ideas.* But suppose you have Ideas sufficient for Certainty in your Way, but not clear and distinct; what is to be done then? *In things that are above Reason*, you say, *when they are Revealed, they are proper Matters of Faith.* What is here being above Reason? Either above the Discovery of Reason, as *the Fall of Angels, the Resurrection of the Body*, &c. *and about these*, you say, *Reason hath nothing to do.* (What not if there be *an Idea of Identity* as to the Body?) Or such as are above the Comprehension of Reason when discovered. And they are either such as we have no Natural Ideas of; and then you grant, *that they are pure Matters of Faith*; or they are such, as you have *certain Ideas of*, but *not clear and distinct.* Now here lies the pinching Difficulty, as to your *Way of Ideas.* You say indeed, *That Revelation must carry it against meer Probabilities to the contrary; because the Mind not being certain of the Truth of that it doth not evidently know, but is only probably convinced of, is bound to give up its Assent to such a Testimony, which it is satisfied comes*

Essay, B. 4. ch. 18. Sect. 5.

Evangel. Medici Art. 14. p. 170.

Ch. 18. Sect. 10.

Sect. 3.

comes from one who cannot err and will not deceive. I pray obſerve your own Words, you here poſitively ſay, *That the Mind not being certain of the Truth of that it doth not evidently know:* So that it is plain here, that you place Certainty only in Evident Knowledge, or in *clear and diſtinct Ideas*; and yet your great Complaint of Me was, that I charged this upon you, and now I find it in your own Words (which I obſerved before.) But let us allow you all you deſire, *viz. That there may be Certainty by Ideas, where they are not clear and diſtinct*; and let us now ſuppoſe that you are to judge of a *Propoſition* delivered as a Matter of Faith, where you have a *Certainty by Reaſon* from your *Ideas*, ſuch as they are: Can you aſſent to this as a Matter of Faith, when you are already *certain* by your *Ideas* of the contrary? How is this poſſible? Can you believe that to be true, which you are certain is not true? Suppoſe it be that there are *two Natures in one Perſon*; the Queſtion is, Whether you can Aſſent to this as a Matter of Faith? If you had ſaid, there had been only *Probabilities* on the other ſide, I grant that you then ſay, *Revelation is to prevail*; but when you ſay you have *Certainty by Ideas* to the contrary, I do not ſee how it is poſſible for you to Aſſent to a Matter of Faith as true, when you are certain from your Ideas that it is not true: For how can you believe againſt Certainty? The *Evidence* is not ſo great as when the *Ideas* are *clear and diſtinct*, but the *Bar* againſt *Aſſent* is as ſtrong; becauſe the Mind is actually determined by *Certainty*. And ſo your Notion of *Certainty by Ideas* muſt overthrow the Credibility of a Matter of Faith in all ſuch Propoſitions which are offered to be believed on the account of Divine Revelation.

I ſhall now ſumm up the Force of what I have ſaid about this Matter.

Your Anſwer is, *That your Method of Certainty by Ideas, ſhakes not at all, nor in the leaſt concerns the Aſſurance of Faith.* Againſt this I have pleaded, (1.) That your Method of *Certainty* ſhakes the Belief of a Revelation in general. (2.) That it ſhakes the Belief of Particular Propoſitions or Articles of Faith, which depend upon the Senſe of Words contained in Scripture. Becauſe you do not ſay, that we are to believe all that we find there expreſſed; but in caſe we have any clear and diſtinct Ideas which limit the Senſe another way than the words ſeem to carry it, we are to judge that to be the true Senſe. But in caſe our Ideas are not clear and diſtinct, yet you affirm as your proper Doctrine, *That we may come to Certainty by Ideas, although not in all reſpects perfectly clear and diſtinct.* From whence I infer, That where you have attained to a Certainty by your imperfect Ideas, you muſt judge of a Matter of Faith, by thoſe *Ideas*, and conſequently, if the Union of *two Natures* and *one Perſon*, or *three Perſons in one Nature* be repugnant to your *Ideas* (as I have ſhewed that they are) you muſt by vertue of your own *Principles* reject theſe from being Matters of Faith. And thus I hope I have proved what I undertook, *viz.* That your Notion of *Certainty by Ideas* is inconſiſtent with theſe Articles of the Chriſtian Faith.

But you have this Comfort left, that you are not the firſt Perſon who hath run himſelf into inſuperable Difficulties as to *Matters of Faith*, by this *way of Ideas*. For *Des Cartes* himſelf did ſo in a remarkable manner: He was a Perſon of a great Reach and Capacity, and ſpent many Thoughts in laying the Foundations of Certainty from *Ideas*, both as to *Incorporeal* and *Corporeal Subſtances*; and yet was miſerably foiled as to both of them. His Demonſtrations from his *Ideas* in his *Metaphyſical Meditations*, did not meet with the Entertainment he promiſed himſelf from the Inquiſitive part of Mankind; for his *Objective Reality* from his *Idea* gave no Satisfaction; and his other Argument was thought to have no Force, unleſs it were taken off from the *Idea* and placed upon the Neceſſity of Exiſtence in the Nature of the Thing. As to *Corporeal Subſtances*, his fundamental miſtake was in a wrong *Idea* of *Matter*, which he made to be the ſame with *Extenſion*; and upon this he built his *Syſteme of Nature*. But againſt this firſt falſe ſtep many things were objected by his Adverſaries, as may be

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ſeen by the late Diſputes in *France* about his *Principles;* they objected, that his Notion or *Idea* of *Matter* made it *neceſſary*, and impoſſible for God to *Annihilate it*; and his Defenders are driven to ſuch ſhifts as to *God's Will and Power*, that an indifferent Perſon might thereby ſee how dangerous it is to take up with *Ideas* as to the Ground of Certainty, although neither himſelf nor his Followers pretend to place it in any thing but *clear and diſtinct Ideas.* But when they came to reconcile their *Ideas* with Matters of Faith, they were ſo plunged, that they could ſee no way to get through their Difficulties. For as Monſieur *Huet* obſerves, *Although* Des Cartes *profeſſes great ſubmiſſion to Divine Revelation, yet when it came to the Trial, he judged his Opinions could not be repugnant to it, becauſe he was certain of the Truth of them; which ſhews, that he judged of Revelation by his Rules of Certainty, and whatever he pretended, he did not take his Meaſures of Truth from Revelation.* A late Defender of *Des Cartes* in anſwer to this, produces the Words uſed by him in his Principles, wherein he owns, *That in caſe of Divine Revelation if God declares any thing concerning himſelf or others which exceed our Capacity, as the Myſteries of the Trinity and Incarnation, he would not refuſe to believe them, although he could not clearly underſtand them.*

Cenſur. Philoſ. Carteſ. c. 3. Sect. 3. n. 4.

This Monſieur *Huet* denies not, *viz. That he made ſuch a general Profeſſion of Submiſſion to Revelation and owning the Myſteries of Faith; but*, ſaith he, *when it comes to particular Points, then Ideas are to be the Standard by which we are to judge of Revelation.* Monſieur *Regis* in his Reply ſaith, That *Matters of Faith and Philoſophical Truths are of different kinds; and that there can be no Contrariety but between things of the ſame kind.* Which makes him run into that great Abſurdity, that although in a *Philoſophical Senſe* God cannot do things repugnant to Reaſon, yet in the Way of Faith he may; and all this to preſerve the *Certainty by Ideas*, when nothing can be more repugnant to all kinds of Certainty than ſuch a Suppoſition. But another great Admirer of *Des Cartes* thinks this way unreaſonable; *But* Des Cartes, he ſaith, *hath ſhewn the right Method of Certainty by clear and diſtinct Ideas*, and therefore he calls it no leſs than a *Divine Certainty*; and he adds, *that Truth cannot be contrary to it ſelf*, and he laughs at the Diſtinction of *Philoſophical* and *Theological Truths*; or the two ways of Certainty by Knowledge and Faith: For, *Truth is always one and the ſame, and changes not its Countenance: and if Truth be an Agreement of Words with Things, how can the ſame Words agree in one Book and differ in another? for the ſame God is the Author of Truth where-ever it is:* and therefore he calls it, *A moſt abſurd Opinion of thoſe who ſay, that God who is immutable ſhould teach that as Truth in Philoſophy, which is falſe in Divinity.* But I return to you.

Philoſophia Scripturæ Interpres, c. 5. n. 56. c. 8.

You ſeem to be not a little concerned that I ſay, " That as you have ſta-
" ted your Notion of Ideas it may be of dangerous Conſequence to that Article
" of the Chriſtian Faith which I had endeavour'd to defend. *Such an Accuſation*, you ſay, *brought into any Court in* England, *would be thought to ſhew a great Inclination to have the Accuſed be ſuſpected rather than any Evidence of being guilty of any thing; and ſo would immediately be diſmiſſed without hearing any Plea to it.* But you muſt give me leave to ſay, that you have quite miſtaken my Deſign, which was not to accuſe you, but to ſhew my own Diſſatisfaction, as to the Way you had taken to clear your ſelf. I hoped you would have ſaid ſo much for your own Vindication, as would have ſatisfied the World, that your *Notion of Ideas* was far from any Tendency that way to which it was carried by him who made uſe of your Expreſſions: But, inſtead of that you explained it in ſuch a manner as made it far more ſuſpicious that he had not perverted your meaning. And that made me to ſay, That as you had ſtated it, *it may be* of dangerous Conſequence. *It may be*, ſay you, *this is no Evidence, but only an Inclination to accuſe you.* So far from it; that it ſhewed an Inclination to favour you, when I only ſaid *it may be*; for now you

p. 58.

ſee, that I think it is of ſuch dangerous Conſequence, and I muſt think ſo till you have cleared it better.

But the Notion of Ideas as you have ſtated it, relates to your whole Book: Why ſhould you carry it farther than I intended it? *The ſtating* of it I mentioned was in *your firſt Letter*; where you told us what you meant by *Nature* and
P. 60. *Perſon.* But you have found out *two Particulars wherein it may be of dangerous Conſequence, firſt in making ſo much uſe of the word Ideas, and your placing Certainty in Ideas.* As to the *Term of Ideas*, I have no Objection to the uſe of the word it ſelf; provided it be uſed in a common Senſe, and no Weight be laid upon it more than it can bear; for I am for no new affected *Terms* which are apt to carry mens Minds out of the way; they are like *Ignes fatui*, which ſeem to give Light, but lead thoſe that follow them into Bogs: Like *Fontanges*, which ſeem to ſet Peoples Heads that wear them higher, but their Underſtandings are juſt what they were before. I always diſlik'd the *Stoical* Improvements by *New Words*, or giving *New Senſes* to *Old ones*. But I told you, " I ſhould ne-
" ver have mention'd this Way of *Ideas*, but for the ill uſe I found made of
" them; and you might have enjoy'd the Satisfaction you had in them long
P. 63. " enough, unleſs I had found them imploy'd in doing Miſchief. *Which as you humbly conceive amounts to thus much and no more; that I fear Ideas*; i. e. *the Term Ideas may ſome time or other be of dangerous Conſequence.* Can you poſſibly think this was my Meaning? I know of no Antipathy I have to the Term *Ideas*; nor do I underſtand any *Miſchief* that lies in the bare uſe of the Term. If it gives you any Satisfaction I pray make what uſe you pleaſe of it, ſo you do not ſet it up in your Way of Ideas for a new Method of Certainty; nor weaken Mens Belief as to Matters of Faith by it. Theſe were my *Prejudices* againſt your *Ideas*, and they are increaſed by your Defences; for I can find nothing that hath any force to remove them.

You tell me, my Quarrel muſt be *with the Term Ideas as of dangerous Conſequence:* But why ſo? It was *the Way of Certainty by Ideas* which I inſiſted upon, and the *new Terms* as imploy'd to that purpoſe. I confeſs, I ſay, " The World
" had been ſtrangely amuzed with Ideas of late, and we have been told what
" ſtrange things might be done by the help of Ideas, *i. e.* as to Matter of Cer-
P. 65, 79. tainty. But you tell me more than once, that I own, *That theſe come only to be common Notions of things*, which I have no Averſion from. This is a way of turning things upon Me, which I could not expect from You. For thoſe Words are brought in by me on this Occaſion. You had ſaid, *that you ſee no ſuch Oppoſition, but that Ideas and ſound Reaſon may ſtand together*, i. e. *Reaſon rightly managing thoſe Ideas, ſo as to produce Evidence by them.* Upon this, I uſed theſe Words. " But what need all this great Noiſe about Ideas and Certainty? true
" and real Certainty by Ideas, if after all it comes only to this, that our I-
" deas only repreſent ſuch things, from whence we bring Arguments to prove
" the Truth of things? But the World hath been ſtrangely amuſed, *&c.* Judge now how fair and ingenuous this Anſwer is. That which I bring in as a Conſequence of your Aſſertion, you make to be my own Senſe as to *your Notion of Ideas:* when I all along diſtinguiſh the *Way of Reaſon*, by deducing one thing from another, from your *Way of Certainty in the Agreement and Diſagreement of Ideas*; and I therefore mention it as an Argument of your own departing from your beloved Notion of Ideas. I never ſaid any thing againſt *Reaſon rightly managing Ideas, ſo as to produce Evidence by them.* I was glad you came ſo far towards my own Apprehenſion as to the Uſe of Ideas, and I declare ſoon after, " That if you mean no more by your Certainty from Ideas, but a
" Certainty from Reaſon, I was not ſo unreaſonable a Man to diſagree with
From p. " you. And yet you ſpend many Pages to juſtifie your Uſe of the Term *Ideas:*
63. to p. which is all loſt upon me. For in ſhort, it is not your *Way of Ideas*, but your
73. *Way of Certainty by Ideas*, which I was unſatisfied about, and am ſo much the more

more by the Method you have taken to defend your ſelf. And this was the thing I found fault with, as you could not but ſee; but you found it much eaſier to run into a long Diſcourſe, to no purpoſe, about the Uſe of the Word *Ideas*. How far your Uſe of the Term is new I will not diſpute with you; be it new or old the thing you do pretend to by your Ideas is that which I diſliked, and am forced to do ſo ſtill; for you give me no manner of ſatisfaction about it, as will appear by the Examination of what you ſay, about the *new Method of Certainty*, which is the matter in Queſtion: You deſire to know *whether there be any other or older Method of Certainty?* That is not the Point, but whether yours be any at all? Which I deny. *If there be no Older, you ſay, the World is obliged to you for this New one:* Very true, if it were what it pretends. But you tell me, *I ought to ſet the World right in a thing of that great Concernment, and to overthrow yours, and thereby prevent the dangerous Conſequence of your unſeaſonable ſtarting this new Method of Certainty.* I did never pretend to inform the World of *new Methods*, and therefore am not bound to go any farther than to that I found fault with, which was your *new Method*; and although I thought I had ſaid enough before, to ſhew how far it was from what it pretended; yet becauſe you call me to it in ſuch a manner, I ſhall endeavour more freely to repreſent to you the *Unſatisfactorineſs* and *Inconſiſtency* of it. For it is ſtill to me a ſtrange thing, that you ſhould talk ſo much of a *new Method of Certainty* by *Ideas*; and yet allow, as you do, ſuch a *Want of Ideas*, ſo much *Imperfection* in them, and ſuch *a want of Connexion between our Ideas, and the things themſelves.* One would think, that he that owned theſe things rather deſign'd to prove there could be no Certainty by Ideas. And when I had objected theſe things in the Concluſion of my former Anſwer, you do not deny them; and all the Return you make is, *that it is better to have ſome way of Certainty (though it will not lead us to it in every thing) than no way at all.* As though the Diſpute between us had been, Whether any Certainty be not better than none. No doubt any true Certainty is deſirable, but it is, as I have often ſaid, of ill Conſequence to ſet up ſuch a Method of Certainty, as if it hold, will overthrow our Faith, and if it doth not, muſt deceive all thoſe that follow it. And it is the Certainty of Faith which I defend againſt your pretended Certainty of Knowledge. But to let you ſee what Ground I had to be unſatisfied with it, I ſhall now wave all the Inſtances of *Ideas* I inſiſted on before, as to *Subſtances* and *ſenſible Qualities*; and I ſhall ſingle out one remarkable *Idea*, by which the Uncertainty of your way of *Ideas* will be fully diſcover'd. And that is the *Idea* of *Space*; upon which a famous *Syſteme* of *Natural Philoſophy* hath been built, and as upon a clear and diſtinct Idea; and yet you will by no means allow it to be ſo; and think you have a clear Idea to the contrary; although thoſe who will not allow it to be true cannot deny it to be conſiſtent with it ſelf, and that the *Ideas* in it have *an Agreement with one another.*

p. 87.

p. 88.

p. 171, 172.

As to ſpace, you ſay, *that we have it both by Sight and Touch, which inform us of the Diſtance between Bodies: which in ſeveral Reſpects may be called Diſtance, Capacity and Extenſion; and ſo Extenſion*, you ſay, *is an Idea belonging to Body only, but Space may, as is evident, be conſider'd without it.* But here now ariſes a great difficulty to me in the way of *Certainty by Ideas:* viz. that ſome very thinking Men in this way of Ideas, have look'd on the Idea of *Space* and *extended Matter* to be the ſame; for, ſay they, it appears to us from *clear Ideas*, that Body and Extenſion are the ſame thing, and therefore if there be Extenſion in Space there muſt be Body. But, you ſay, thoſe that do ſo, *either change the ſignification of Words*, and ſo render it a doubtfull Idea; or *they confound very different Ideas with one another*, and ſo can never come to Certainty by the Agreement or Diſagreement of Ideas. But you conclude, *that the clear and diſtinct Idea of ſimple Space diſtinguiſhes it plainly and ſufficiently from Body.* Here we ſee you pretend to a *clear and diſtinct Idea.* But it falls out very unluckily

Eſſay, B. 2. ch. 13. Sect. 2.

Sect. 12.

Sect. 14.

for *the Way of Ideas*, that the first starter of this Way of Certainty is as positive, *that the Idea of Space and extended Body are the same.* So that here we have *clear and distinct Ideas* both ways. And is not this an admirable Method of Certainty, when in one of the plainest *Ideas* which depend upon our Senses, the greatest Defenders of *Ideas* differ so fundamentally? What can other Men hope for in *this Way of Ideas*, if such Men can agree no better in one of the most evident to our Senses? *But then we must consider, who hath the better Reason?* This is not Certainty by *Ideas*, but by *Reason* upon them, which is another thing. Let us go to Reason. Is that Reason built only on some *intermediate Idea*, which makes it clear? I find *intermediate Ideas* on both sides, and urged with equal Assurance. *Des Cartes* saith, *that from Extension we rightly conclude a Body to be a Substance; because it is a Repugnancy that there should be an Extension of Nothing; and therefore, if there be Extension in Space there must be Body. And he proves it from the Idea of Body; for, if we cast off all such things as are not necessary to Body, as Hardness, Colour, Gravity, Heat, and Cold, and all other Qualities, we shall find nothing to remain but Extension, and therefore nothing but Extension is in the Idea of Body, which being likewise in Space the Idea of Body and Space are the same.* But say you on the other side, *I appeal to every Man's own Thoughts, whether the Idea of Space be not as distinct from that of Solidity, as it is from the Idea of a Scarlet Colour. 'Tis true, That Solidity cannot exist without Extension; but this hinders not but they are distinct Ideas.* One appeals to *Thoughts*, and the other to *Reason:* Had *Des Cartes* no *Thoughts?* Yet his *Reason* convinced him, that whatever *Thoughts* he had, he must be perswaded by Reason, which was the true *Idea.* You say, that is a *clear and distinct Idea that a Man's thoughts dictate to him to be so.* No, saith *Des Cartes*, that only is the *true Idea*, which a Man comes to by the Exercise of his Reason; and he look'd upon those others as meer *Ideas* of *Imagination*, and not *Rational Ideas.* So that here we have another Work to do, and that no easie one, which is to distinguish the *Ideas* of *Imagination* from those of *Reason:* and what way have you laid down to prevent so great a Mistake? Or what Rules have you to judge, how far Imagination is to be allowed in the Matter of *Ideas?* For in all Objects of Sense the Impression is made upon the Imagination; which is the Seat of Ideas, that come in by Sensation: now here lies a very considerable Difficulty, how far Reason is to judge of these Ideas of Imagination? For if all our simple Ideas of things without us come in by Sensation, then one would think those Ideas are to be allowed which come in that way; and so the Impressions of Fancy are to be the Standard and Rule of Certainty, which I think you will not affirm. But what Rule then have you when, and where, and how far, you are to correct the erroneous *Ideas* of *Imagination?*

Princip. p. 11. n. 16.

Essay, l. 2. ch. 13. Sect. 12.

I cannot deny but you were sensible of the Difficulty from the *Ideas* of *Imagination*, and thus you propose it. *To what purpose is all this stir? Knowledge*, say you, *is only the Perception of the Agreement or Disagreement of our own Ideas, but who knows what those Ideas may be? Is there any thing so extravagant as the Imagination of Men's Brains? Where is the Head that hath no Chimæra's in it? Or if there be a sober and wise Man, what difference will there be by your Rules between his Knowledge, and that of the most extravagant Fancy in the World? They both have their Ideas, and perceive their Agreement and Disagreement one with another.* Let us now consider the Answer you give to it, and by that we shall better judge of your *Way of Certainty.*

B. 4. ch. 4. Sect. 1.

Sect. 2. Your general Answer is, *That if our Knowledge of our Ideas terminate in our Fancies, our Assurance would go no farther than that of Dreams, or the Visions of a heated Fancy. But our Knowledge is real, only so far, as there is a Conformity between our Ideas, and the Reality of Things.*

All this is undoubtedly true. But you say, *How shall the Mind, when it perceives nothing but its own Ideas, know that they agree with Things themselves.*

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There indeed lies the Difficulty, but how do you remove it? *There are two ſorts of Ideas*, you ſay, *we may be ſure, agree with things.* And theſe are worth the knowing.

1. *The firſt are ſimple Ideas, which ſince the Mind can by no means make to it ſelf,* Sect. 4. *muſt neceſſarily be the Product of Things operating on the Mind in a natural way, and producing therein thoſe Perceptions which by the Wiſdom and Will of our Maker they are adapted to. From whence it follows, that ſimple Ideas are not Fictions of our Minds.*

All that can be proved from hence is no more, but that the Objects of our Senſes do make thoſe Impreſſions upon them, that from them we may be certain there are ſuch things without us, which produce thoſe Impreſſions. And this is all you mean when you ſay, that you are certain theſe Ideas are no Fictions of our Brains. But let us apply this to the preſent Caſe. Our Senſes truly inform us of a Diſtance between Bodies; and ſo far we are certain of an Idea of Space, but the Queſtion about the Idea of Space goes farther; *viz.* Whether the Idea of Space imply ſomething or nothing? How can nothing be extended? If it be ſomething extended it muſt be Body; and ſo Space and Body are the ſame.

And ſo your *ſimple Ideas* give no manner of ſatisfaction in this Matter.

2. *All our complex Ideas, except thoſe of Subſtances*, you ſay, *being Archetypes of* Sect. 5. *the Mind's own making, not referr'd to the Exiſtence of any thing, cannot want any Conformity neceſſary to real Knowledge; for that which is not deſigned to repreſent any thing but it ſelf, can never be capable of a wrong Repreſentation, nor miſlead us from the true Apprehenſion of any thing by its diſlikeneſs to it.*

Where are we now? What in the *Way to Certainty* ſtill? Methinks it ſeems to be too intricate and winding to be that plain Way. What is meant by theſe *Archetypes in the Mind which cannot deceive us?* I confeſs here are ſuch things ſaid in order to Certainty, which are above my Underſtanding, if taken with reſpect to Things; *as how we cannot but be infallibly certain, that all the Knowledge we attain concerning theſe Ideas is real, and reaches things themſelves, and yet they are Archetypes of the Mind's own making, not intended to be the Copies of any thing, nor referr'd to the Exiſtence of any thing.* How can the Certainty by theſe Ideas *reach the things themſelves*, if they *are Archetypes of the Mind, not referr'd to the Exiſtence of any thing?* But I ſuppoſe all this is meant of *Mathematical Truths*, and ſo reaches not the Caſe, which is concerning the *Certainty* of our Knowledge of things that really exiſt.

3. You ſay, *there is another ſort of complex Ideas, which being referr'd to* Sect. 11. *Archetypes without us may differ from them, and ſo our Knowledge about them may come ſhort of being real.* Now theſe were the things we deſired to be made *certain* in; and to find out ſuch Rules as would make our *Knowledge real.* But for all that I can ſee, the hopes of any *Criterion* is quite loſt, as to the point in Queſtion: *How ſhall the Mind when it perceives nothing but its own Ideas, know that they agree with the things themſelves?*

For upon theſe Grounds we can have no Certainty as to ſimple Ideas, but only as to the Power of making Impreſſions on our Senſes; but as to complex Ideas, as of Subſtances, our Knowledge about them may come ſhort of being real, *i.e.* we cannot arrive to Certainty about them in the way of Ideas; becauſe, *they may differ from the Archetypes without us.* And you confeſs, *that our Ideas are not* Sect. 12. *very exact Copies, and yet are the Subjects of real, (as far as we have any) Knowledge of them; which will not be found to reach very far. But to make it real concerning Subſtances, the Ideas muſt be taken from the real Exiſtence of things.* And if our complex Ideas may deceive us as to the things from whence they are ſuppoſed to be taken, what an Account of *Certainty in the way of Ideas* is here? And yet you conclude this Chapter in that Triumphant manner; *I think I have ſhewn wherein it is that Certainty, real Certainty conſiſts, which whatever it was*

to

to others was to me heretofore one of those Desiderata's, which I found great want of: And for all that I can see may do so still. For here is nothing said to distinguish the strong Impressions of Fancy from the Appearances of things, from that Certainty of Knowledge which comes from the things themselves. For, a confident Opiniator will talk with greater Assurance of the *Agreement* and *Disagreement of things with his Ideas*, than a Man of far greater Judgment and more Modesty. And you have given us no Rules to make a difference between *Opinion* and *rational Certainty*; especially when the Ideas of Fancy are found to agree with one another.

But I shall go a step farther to shew, that the *Agreement of Ideas is no Ground of Certainty*, and that from a Supposition relating to the present Case.

We have seen how possible it is for an ingenious Person skilled in the *Phænomena* of Nature to contrive such an *Hypothesis*, that one part may agree with another, so as that no discernible Inconsistency may be found in it, and yet all this may be built on such a Foundation, as cannot be consistent with your *Certainty by Ideas*; nay, such as you are certain cannot be true.

The *Hypothesis*, I mean, is that of *Des Cartes*; for allowing him his Laws of Motion, and his three Elements, the *Phænomena of Nature*, or the *Ideas* of it *agree with one another*, and yet all this is built upon *Space* being the same with *Body*; and consequently, that there can be no *Vacuum:* upon which *his Laws of Motion*, and his Solution of the *Phænomena* is all built. And therefore, when a learned Man of our own objected that to him, and thought it of *no great Consequence to his Philosophy*; he replied with some smartness, that he was mistaken, *for he took it for one of the most certain Principles of his Philosophy.* What *Certainty* then can there be in *Ideas*, when so absurd a Principle as that shall be look'd on by so great a Man, as so *certain* a thing in the *Way of Ideas*, as to build his whole System of Natural Philosophy upon it? and his followers to this day stifly defend it, who are otherwise ingenious Men.

Des Cartes Epist. T. 1. Ep. 87, 88.

Nothing now remains to be answer'd in your *Second Letter*, but what relates to the Defence of what I had said in my Book concerning *Nature* and *Person*. For I cannot but observe, that instead of clearing some pressing Difficulties in my Answer to your former Letter, you run back to my Book, and begin a *new Critique* upon that part of it; and take in the help of some ingenious Persons of your Acquaintance, to whom I must shew so much Civility as to take notice of their Objections. Which I shall the rather do, because the Doctrine of the Trinity is expressed in the first Article of our Religion by *one Nature* and *three Persons*, and so it hath been understood by the Christian Church long before. And it is the Sense of the Christian Church which I am bound to defend, and no particular Opinions of my own.

P. 117. You tell me, *that there hath not been one of your Acquaintance who owned that he understood my Meaning; but confessed that the farther he look'd into what I had said, the more he was at a loss about Nature and Person.* But I hope I am not to answer for other Men's want of Understanding in these Matters: which requires greater Application of Mind, than most Men are willing to allow themselves about them. But I am to judge no otherwise of their Sense and Capacity, than as you have represented them.

P. 118. *One said I began with giving two significations of the word Nature: One of them, as it stood for Properties; and this he understood; but the other wherein Nature was taken for the thing it self, wherein those Properties were, he said he did not understand. But he said he was not very well acquainted with Greek, and* Aristotle *was brought to explain and settle the Sense of Nature.*

But why did not this Gentleman in the first place consider what it was I undertook to shew, which was, that we had an Idea of *Nature*, which came not in by our Senses; and in the very next words I said, " That Nature and Substance are " of an equal Extent; and so, that which is the Subject of Powers and Proper-

" ties

" ties is the Nature, whether it be meant of bodily or ſpiritual Subſtances. And " although by Senſation and Reflection we know the Powers and Properties of " things; yet it is by Reaſon we are ſatisfied there muſt be ſuch a Nature or " Subſtance, becauſe it is impoſſible that they ſhould ſubſiſt by themſelves.

Methinks if the Gentleman were ſo much at a loſs as you repreſent him, you ſhould have helped him out by your *relative Ideas*: For hard things go down much better with ſome mens Minds in the Way of Ideas, (which is a ſort of gilding the Pills) and I doubt not but you could have ſatisfied him, that the Underſtanding may by virtue of a *relative Idea* be very well ſatisfied of the Being of *Nature*, as well as *Subſtance*, when I declared that I took them to be of equal Exrent; as they were *the Subject of Powers and Properties*. But he ſaith, *that this he underſtood not, becauſe Nature extended to things that were not Subſtances*. P. 120. Did I not ſay, that *Nature* was ſometimes taken only for *Properties*, but that there muſt be another Senſe proved, becauſe there muſt be a Subject wherein theſe Properties are, and in that reſpect, I ſaid, *that Nature and Subſtance were of equal Extent*. But *he doth not underſtand the Deduction*; Ariſtotle *takes Nature for a corporeal Subſtance, and therefore Nature and Subſtance are of an equal Extent*. What a hard Fate doth that Man lie under, that falls into the hands of a ſevere Critick! He muſt have a care of his *But*, and *For*, and *Them*, and *It*; for the leaſt Ambiguity in any of theſe will fill up Pages in an Anſwer, and make a Book look conſiderable for the Bulk of it. And what muſt a Man do, who is to anſwer to all ſuch Objections about the Uſe of *Particles*? But let any indifferent Reader judge, how I am uſed in this place. My words are, " Sometimes Nature is " taken for the Thing it ſelf in which thoſe Properties are; and ſo *Ariſtotle* " took Nature for a Corporeal Subſtance, which had the Principles of Motion " in it ſelf; but Nature and Subſtance are of an equal Extent. Doth not any Man of Common Senſe ſee, that I oppoſe this to *Ariſtotle*'s Senſe of *Nature* for *a Corporeal Subſtance*? He confines it to that only; I ſay, *That it is of equal Extent with Subſtance whether Bodily or Spiritual:* and thoſe very words follow after. If you had really ſuch a Converſation with a *Gentleman*, I am ſorry for him; and I think you did not deal ſo like a Gentleman by him, to expoſe him thus to the World.

But I perceive he is a *Philoſopher* too; for he proves, *That* Ariſtotle's *Notion of Nature for a Corporeal Subſtance will not hold*. P. 119. Did I ever ſay that it would? I am far enough from thinking, *that a Corporeal Subſtance hath a Principle of Motion from it ſelf*; But might not I mention *Ariſtotle*'s taking Nature for a *Subſtance*, although I preſently add, his Senſe was too ſhort and narrow, becauſe *Nature and Subſtance were of equal extent? But did not his Notion of Nature imply that it was a Principle of Motion in it ſelf?* Whatever *Ariſtotle* thought, the Notion of Nature doth not depend upon a *Principle of Motion from it ſelf*; but it was conſidered, not as *in it ſelf* as the Cauſe, but *in it ſelf* as the Subject. And that *Philoſophical Gentleman* might be pleaſed to conſider, that *Ariſtotle* did not make *Motion* to ariſe from Matter, but aſſerted it to come from a firſt Mover, and ſaid, *That thoſe Philoſophers talked like Men not well in their Wits, who attributed Motion to Matter of it ſelf*; as I could eaſily prove, if it were needful. And methinks you ſhould not have been ſuch a Stranger to *Ariſtotle*, to let your Acquaintance run into ſuch Blunders, and then to print them for him.

But the Gentleman is farther plunged and knows not how to get out. *He cannot for his Life underſtand Nature to be Subſtance, and Subſtance to be Nature*. P. 121. Where lies the Difficulty? Is the Repugnancy in the Words or in the Senſe? Not in the Words or Senſe either in *Greek* or *Latin*. For the *Greek*, (if I may have leave to mention that language in this Caſe) thoſe who have been very well acquainted with the force of Words therein, have made *Nature* of the ſame importance with *Subſtance*. So *Heſychius* renders it by οὐσία, *Subſtance*; but I ſhall not bring the Teſtimony of *Criticks* but of *Philoſophers*. And *Ariſtotle* may

Arist. Metaph. l. 5. c. 4. may be allowed to understand his own Language, he saith positively, πᾶσα οὐσία φύσις λέγεται; *every Substance is called Nature*, and the Reason he gives for it is, ὅτι καὶ ἡ φύσις οὐσία τίς ἐστιν, *because Nature is a Substance.* It may be said, *That* Aristotle *said this, because he took Nature for such a Substance as had the Power of Motion in it self*; I do not deny, but he look'd on that as the proper Acception of *Nature*; but from hence it follows, that whatever Substance had such a Principle of Motion in it self was truly and properly *Nature*; not as exclusive of a Superiour Principle of Motion, but as having an internal self-moving Principle. And herein *Aristotle* differed from some modern Philosophers, who make all Motion to come from the Impulse of another Body, and to be a meer Mode of Matter continued from one Body to another. I confess *Aristotle* was of another Opinion from those Gentlemen, and look'd on Motion as an Effect of an inward Principle; and not meerly of an External Impulse: but whether *Aristotle* were mistaken herein is not the Question; and it is possible he was not; however, it plainly appears, that *Substance with a Power of Motion in it self*, and *Nature*, had the same Sense; and none of those who have been the most severe *Criticks* upon *Aristotle* have disputed, that I remember, against this Sense of *Nature* in him. One of them finds this fault, that it was but a Repetition of what he had said in his *Physicks*; where he doth likewise treat of the Sense of *Nature*. And there he takes it for such a *Substance which hath the Principle of Motion and Rest within it self and by it self*; which he opposes *to artificial things, as a Bed or a Garment.* And as much as this Definition hath been run down by some Men, if we set aside some affected Obscurity in his Philosophical Writings, there is no such Absurdity in it; when he explains himself not to understand it of meer *Local Motion*, or change of Place, but of *all Alterations* incident to Bodies. So that *Nature* in his Sense, was *a Substance endued with a Principle of Life and Action.* And all those things which did partake of *Nature* in this Sense, he said, were *Substances*; ἢ ὅτι ταῦτα πάντα οὐσία. For *Nature is always a Subject and in a Subject*; i. e. the Substance it self is *Nature*, and that which is in it is *according to Nature.* And this Sense of *Aristotle Plutarch* relies upon, as the *true Notion* of *Nature*, which he saith is *the Principle of Motion and Rest*; *because the beginning and ending of things depend upon it*: But *Plutarch* by no means approves of those *Mens Opinion* who made *Nature* to be an Original Self-moving Principle; *For*, saith he, *Matter of it self cannot move without an Efficient Cause, no more than any Metal can frame it self into a particular Form without an Artificer.* From whence we see that *Aristotle*'s Notion of *Nature* was very consistent with an Efficient Cause of Nature. But your Gentleman saith, *That to those who admit not Matter and Motion to be Eternal, no Nature in that Sense will be left, since Nature is said to be a Corporeal Substance which hath the Principles of Motion in it self, and such a sort of Corporeal Substance those Men have no Notion of at all, and consequently none of Nature, which is such a Corporeal Substance.* But if *Aristotle* did not suppose Matter to move it self, without an Efficient Cause, (as certainly he did not) then all this falls to the Ground, and his Notion of *Nature* for a *Substantial Principle of Life and Action* may remain good.

P. Rami Schol. Metaph. l. 5. c. 4.

Phys. Ausc. l. 2. c. 1.

Plut. de Plac. Phil. l. 1. c. 1.

c. 3.

Letter II. p. 119.

But it may be said, *That this was one of his singular Notions, and that no other Philosophers took it so.* Which is so far from being true, that a great Enemy of *Aristotle*'s confesses, *That the Name of Nature among the Writers before him extended to all kinds of Beings, and not only to individual but to Specifick Natures.* *Aristotle*'s fault lay in applying *Nature* only to *Corporeal Substances*; and whatever was above them he look'd on as above *Nature*; but the *Pythagoreans* and *Platonists* took *Nature* to extend to *Spiritual* as well as *Bodily Substances.* Which appears by *Timæus Locrus* his Book of *Nature*; in the beginning whereof he divides Things into two kinds, *Intellectual* and *Corporeal*; and *the former, whose Nature was more excellent, he derives immediately from the best Principle*, viz. *God himself.*

Fr. Patrit. Discuss. Peripat. T. II. l. 2. p. 207.

But

But to make this plainer, we are to consider, that there were four Opinions among the *Old Philosophers* about *Nature*. Some held *Nature* to be the same with *Matter*, and attributed the Beginning of all things to that alone; such were the followers of *Anaximander* and *Democritus*. Others rejected this Doctrine as absurd and impious, and held a Divine Being above Matter, which gave the beginning to Motion and framed the World, and they asserted *Spiritual* as well as *Corporeal Natures*, and these were the followers of *Pythagoras* and *Anaxagoras*. Others asserted the Beginning of Motion and of the World from a first Cause; but confined the Sense of *Nature* to the Course of things established in this Visible World by an Universal Providence at first. And this was the Notion of *Aristotle* and his followers to the time of *Strato* who attributed all to meer *Nature*. Lastly, there were some who made *Nature* to be the first Principle which formed all things; which sometimes they called *God*, and sometimes *Nature*, as is obvious in all the Writings of the *Stoicks*; *Vis illum Naturam vocare? non peccabis*; saith *Seneca*: and in another place, *Quid aliud est Natura, quam Deus & divina Ratio?* and again, *Nec Deus sine Naturâ est, nec Natura sine Deo, sed idem est utrumque*, which he elsewhere calls, *Incorporalis Ratio ingentium operum Artifex*. With which *Balbus* in *Cicero* agrees, when he defines *Nature* from *Zeno*, to be an *Intelligent Fire that produces all things*. For what he calls *Ignem artificiosum ad gignendum*, &c. *Laertius* calls πνεῦμα πυρῶδες ἐν τεχνοειδές; and it is called in *Cicero*, *Natura Artifex*, *Consultrix & Provida*, &c. which can agree to nothing but a *Spiritual Substance*; and when he explains what *Nature* is, he saith, *That* Epicurus *called all by the Name of Nature; and divided it into Matter and Vacuity* and *the Accidents of both: but we* (saith he of the *Stoicks*) *by Nature understand no Inanimate Things which have no Principle within to unite them, as Earth and Stones; but a living Substance, as an Animal, in which is no Chance, but Order and Contrivance.* And so *Plato* said, *That Nature ordered all things with Reason and Understanding*. By which he understood the Divine being. If we come lower down among the *Philosophers*, we shall find *Nature* taken for *a Principle of Life*. So *Sextus Empiricus* distinguishes the Union of Matter in Stones and Wood from that which is in Plants, and this he calls *Nature*, which is the lowest degree of it; for afterwards, he speaks of *Rational* and *Intellectual Natures*, and places God in the head of them. *Antoninus* distinguishes *Nature* in *Plants* from a heap of the Particles of Matter in Wood and Stone. But in another place he distinguishes that which is *meer Nature in Man*, viz. what he hath in common with Plants, from the *Nature of an Animal* in him; and that again from the *Nature* of a *Rational Creature* in him. Here indeed he speaks of the Properties of those Natures; but he still supposes, that where they are separate, they are founded in distinct Substances.

Nat. Quæst. l. 2. c. 45. De benef. l. 4. c. 7, 8. De Conf. ad Helv. c. 8. Cic. de Nat. l. 2. Plato in Phileb. Sext. Empir. l. 8. c. 2. P. 324. Anton. l. 6. Sect. 14. L. 10. Sect. 2.

So that I hope, if the *Philosophers* of old, of all kinds did understand the Sense of *Nature* and *Substance*, the Gentleman may not continue in such a peremptory Humour of saying, *That for his Life he cannot understand Nature to be Substance, nor Substance to be Nature*. For they all agreed in this, however they differed in their Opinions of *Nature*.

But I have something farther to add concerning the Sense of the *Christian Church* in this Matter; which I think is by no means to be despised.

It is observed by *Damascen*, that *some of the Philosophers made this difference between* οὐσία and φύσις; *that the former was taken for simple Essence, but the latter for Essence with a Specifical Difference; but that the Christian Writers took both of them for that which was common to more than one; as an Angel, a Man, a Horse*, &c. So St. *Chrysostom* calls *Angels* ἀσωμάτους οὐσίας, and ἀσωμάτους φύσεις, and *Theodoret* ἀοράτους φύσεις, St. *Basil* λογικὰς ἢ ἀοράτους φύσεις, but they all agree, that *Incorporeal* and *Invisible Substances*

Damasc. Dial. c. 32. Chrysost. Hom. 22. in Gen. Theod. in Gen. Qu. 2. Basil. in Hex. Or. 1.

are *real Natures*. And the Reaſon *Damaſcen* gives is, *That they have both the ſame Original* (and you know that it is a good way to find out the *true Idea*) for as οὐσία is from εἶναι, ſo φύσις is from πεφυκέναι, *both which are the ſame*. So that if *Real Exiſtence* belong to Subſtance, and Nature hath its Name from thence too, then *Subſtance* and *Nature* muſt be of the ſame Importance. And this Notion of Nature they do not take up meerly from the Etymology of the Word, but from the Senſe of it in Scripture; as when St. *Paul* ſaith,
Gal. 4. 8. *They worſhipped thoſe which by Nature are no Gods*; τοῖς φύσει μὴ οὖσι θεοῖς, as the *Alexandrian Copy* hath it more clearly; *i. e.* which are not really and ſubſtantially Gods. They had the Names of Gods, and the Divine Properties were attributed to them; but becauſe they had not the Divine Eſſence, they are ſaid not to be *Gods by Nature*. And what Senſe would this Gentleman make of the Apoſtle's words, *who cannot for his Life underſtand that Nature is the ſame with Subſtance?* He muſt underſtand this only of the Properties which belong to God. But theſe Properties muſt be ſomewhere, and ſo a Subſtance muſt be ſuppoſed as the Subject of them; and what Reaſon can there be to exclude that which is the Subject of thoſe Properties? For there muſt be a *Divine Being* as well as Properties; and that Being muſt have Eſſential Properties belonging to it; and what imaginable Reaſon can there be, why that ſhould not be called the *Divine Nature?* And if it be, then *Subſtance* and *Nature* are the ſame. I might eaſily purſue this farther, but I deſign to bring things into as litttle a compaſs as I can.

But it may be there is ſomething in our own Language which hinders *Nature from being taken for a Subſtance*; and for this I appeal to a late Ingenious and Honourable Perſon and Philoſopher of our own; I mean Mr. *Boyle*, who hath written a Philoſophical Enquiry into *the Notion of Nature*; and he tells us of the various Acceptations of it. (1.) For the Author of Nature. (2.) For the Eſſence of a Thing. (3.) For what comes to Men by Birth; as a Man is Noble by Nature. (4.) For an Internal Principle of Motion; as that a Stone is carried downwards by Nature. (5.) For the eſtabliſhed courſe of things; as that Nature makes the Night to ſucceed the Day. (6.) For an Aggregate of Powers belonging to a Living Body; as that Nature is ſtrong or weak. (7.) For the Syſtem of the Univerſe; as when we ſay of a Chimæra, there is no ſuch thing in Nature. (8.) For a Semi-Deity; which is the Notion he oppoſes. But we may obſerve, that he allows *God and all the real Beings of the Univerſe* to have *Nature* belonging
P. 35. to them; and he ſaith, *The Word* Eſſence *is of great Affinity to it, if not of an adequate Import*. But the Real Eſſence of a thing is a Subſtance; and therefore Nature and Subſtance are of the like Importance.

Mr. *Boyle* of the Notion of Nature, p. 27.

The next thing fit to be conſidered is, How far your *Certainty by Ideas* and *the Certainty by Reaſon* differ from each other.

The occaſion of this Debate ſtands thus.

Diſcourſe of the Trinity, p. 25. I had ſaid in my Book, "That I granted, that by Senſation and Reflection we come to know the Powers and Properties of things; but our Reaſon is ſatisfied, that there muſt be ſomething beyond theſe, becauſe it is "impoſſible that they ſhould ſubſiſt by themſelves. So that the Nature of "things properly belongs to our Reaſon and not to meer Ideas.

In anſwer to this you ſaid, *That you can find no Oppoſition between Ideas and Reaſon; but Ideas are the Objects of the Underſtanding, and Underſtanding is one of the Faculties imployed about them.*

To which I replied, "No doubt of it. But you might eaſily ſee, that by "Reaſon I underſtood Principles of Reaſon, allow'd by Mankind; which I "think are very different from Ideas. But I perceive Reaſon in this Senſe is "a thing you have no Idea of, or one as obſcure as that of Subſtance.

If

If there be any thing which ſeems too ſharp and reflecting in the Manner of Expreſſion, I do not go about to defend it; but the worſt of it is, That your Idea of Reaſon is as obſcure as that of Subſtance. And whether there were not a juſt Occaſion for it, the Reader muſt judge when the *Faculty* was put for the *Principles of Reaſon.* Could any Man judge otherwiſe, but that you had *a very obſcure Idea of Reaſon*, who could miſtake *the Underſtanding* for it?

But Reaſon, you ſay, *taken for the Faculty is as different from Ideas in your Apprehenſion.* But what is that to the Point in Diſpute, whether the Notion of *Nature* be to be taken from *Ideas* or from *Reaſon?* You ſay, *the Underſtanding is imploy'd about them.* And what then? I ſhewed that the Nature of things belongs to *Reaſon* and not to *bare Ideas*; becauſe *Ideas* come in by Senſation and Reflection; by which we come to know the Powers and Properties of things; but we cannot come to know the Notion of *Nature* as the Subject of them, but by this Reaſon that we are convinced they cannot ſubſiſt of themſelves. And is this no more than to ſay, *the Underſtanding is imployed about Ideas?* But now you anſwer farther, *That if Reaſon be taken for the Faculty or the Principles of Reaſon allowed by Mankind, Reaſon and Ideas may conſiſt together.* This leads me to the Examination of that which may be of ſome uſe, *viz.* To ſhew the Difference of your Method of *Certainty by Ideas*, and the Method of *Certainty by Reaſon.* P. 114.

And the Way of *Certainty by Reaſon* lies in two things;

1. The *Certainty of Principles.*
2. The *Certainty of Deductions.*

As to the former, the Gentleman your Defender in your Book ſaith, *That in your Eſſay, in more places than one, you have ſpoken, and that pretty largely, of Self-evident Propoſitions and Maxims; ſo that if I have ever read them, I cannot doubt, but you have Ideas of thoſe common Principles of Reaſon.* Ibid.

What *Ideas* you have of them muſt appear from your Book. And I do there find a Chapter of *Self-evident Propoſitions* and *Maxims*; which I cannot but think extraordnary for the Deſign of it; which is thus ſummed up in the Concluſion, *viz.* That it was to ſhew, *That theſe Maxims, as they are of little uſe where we have clear and diſtinct Ideas, ſo they are of dangerous uſe, where our Ideas are not clear and diſtinct.* And is not this a fair way to convince me that your *Way of Ideas* is very conſiſtent with the *Certainty of Reaſon*; when the Way of Reaſon hath been always ſuppoſed to proceed upon *General Principles*; and you aſſert them to be *Uſeleſs* and *Dangerous?* Book 4. ch. 7. Sect. 20.

Your firſt Deſign you ſay is *to prove, that the Conſideration of theſe General Maxims can add nothing to the Evidence or Certainty of Knowledge*; which overthrows all that which hath been accounted *Science* and *Demonſtration*, and muſt lay the Foundation of *Scepticiſm.* Becauſe our true Grounds of Certainty depend upon ſome *general Principle of Reaſon.* To make this plain, I ſhall put a Caſe grounded upon your Words, which are, *that you have diſcourſed with very rational Men, who have actually denied that they are Men.* Theſe Word, *J. S.* underſtands as ſpoken of *themſelves*, and charges them with very ill Conſequences; but I think they are capable of another meaning: However, let us put the Caſe that Men did in earneſt queſtion, whether they were Men or not? and then I do not ſee, if you ſet aſide general Maxims, how you can convince them that they are Men. For, the way I look on as moſt apt to prevail upon ſuch extraordinary Sceptical Men, is by general *Maxims* and *Principles of Reaſon.* As in the firſt place, that *Nothing can have no Properties*; which I take to be the Fundamental Principle of Certainty, as to real Beings. For, all our inward Perceptions are only of ſome Acts or Properties, as of *Thinking*, *Doubting*, *Reaſoning*, &c. and if a Man Sect. 4. Book 4. ch. 7. Sect. 17. Solid Philoſ. aſſerted Preface, Sect. Reflex. 19. P. 378.

proceeds ſo far as to queſtion every thing, in order to the diſcovering the true Ground of Certainty, he cannot be ſatisfied with finding out only ſome Modes of Being; but that which he aims at is, ſatisfaction as to his real Exiſtence.

But this wholly depends upon the Truth and Certainty of this *Fundamental Maxim*; *That Nothing can have no Operations*; and therefore, whatever thinks, or doubts, or reaſons, muſt certainly be. And ſince by another Fundamental Maxim, *it is impoſſible for the ſame Thing to be and not to be*; he cannot entertain any poſſible doubt of his own Exiſtence.

It may be ſaid, *that this reaches only to bare Exiſtence, and not to the being Men.* I anſwer, that for the Certainty as to that, there are other general Maxims of neceſſary Uſe; as, *That all different ſorts of Beings are diſtinguiſhed by Eſſential Properties*; *That the Eſſential Properties of a Man are to Reaſon, Diſcourſe*, &c. *That theſe Properties cannot ſubſiſt by themſelves without a real Subſtance:* And therefore, where theſe Properties are found, thoſe who have them muſt be real and ſubſtantial Men.

Book 4. ch. 9. Sect. 3. You may poſſibly ſay, *That theſe Maxims are uſeleſs, becauſe you affirm that nothing can be more evident to us, than our own Exiſtence*; *and that we have an internal infallible Perception that we are.*

But I anſwer, that theſe Maxims do not at all appear to be uſeleſs, becauſe the Certainty we enquire after is a Certainty of Reaſon, and not of bare Perception. And if it be a Certainty of Reaſon, ſome Ground of Reaſon muſt be aſſigned for it: but all that the Perception reaches to, are thoſe Acts mentioned by you. *I think, I reaſon, I feel pleaſure and pain:* but the Queſtion goes farther as to the Subject of thoſe Acts, and the Nature of that Subject, whether it be a Man or not.

Now here lies the main Difficulty, whether without the help of theſe Principles you can prove to any that doubt, that they are Men? And I ſhall now ſhew, that in your Way of *Ideas* you cannot. For,

(1.) You ſuppoſe that we muſt have a clear and diſtinct Idea of that which we are certain of in the Way of Ideas.

(2.) You deny that we have any ſuch clear and diſtinct Idea of Man.

1. You ſuppoſe, that we muſt have a clear and diſtinct Idea of that we are Book 4. ch. 7. Sect. 4. certain of. For in your Chapter of *Maxims*, you ſay, *that every one knows the Ideas that he has, and that diſtinctly and unconfuſedly one from another. Which always being ſo* (I pray mark that, and judge whether you do not make clear and diſtinct Ideas neceſſary to Certainty) *he can never be in doubt when any Idea is in his Mind, that it is there, and is that Idea it is, and that two diſtinct Ideas when they are in his Mind are there, and are not one and the ſame Idea:* From whence you infer *the Neceſſity of Certainty, when the Ideas are clear and diſtinct.* This is ſo plain and clear, that I wonder how you came to forget it, and to think that I did you wrong when I charged you with holding *clear and diſtinct Ideas* neceſſary to Certainty. But of that in the Beginning of this Diſcourſe.

2. But let us now examine your *Idea of Man*, whether that be clear and diſtinct or not; and if not, then according to your Principles *very rational Men* cannot be certain that they are Men. For if they have no Way of Certainty but by *Ideas*, and you allow no *clear and diſtinct Idea of Man*, then they can come to no Certainty; and I hope you will not deny them to be *very rational Men*, if they follow *the Way of Ideas.*

Book 4. ch. 7. Sect. 16. Sect. 17. First, you ſhew, *that there can be no Demonſtration in the Way of Principles what Man is.*

Secondly, *that there are very different Ideas of Man, ſome*, you ſay, *make the Idea of a Man without a Soul*; *as Children do. Others add Laughter and rational Diſcourſe, and theſe may demonſtrate by general Principles that Ideots and Infants*

are

are no Men by this Maxim, that it is impoſſible for the ſame thing to be, and not to be; and you have diſcourſed with very rational Men, who have actually denied that they are Men.

Others take in the Idea of Body in general, and the Powers of Language and Reaſon, and leave out ſhape; and ſo a Man may be a Four-footed Creature, or in whatever Body or Shape he found Speech and Reaſon joined, that was a Man. Sect. 18.

But where is the *clear and diſtinct Idea of a Man* all this while? We can have *no Certainty by Principles*, you ſay, and you offer none in *the Way of Ideas*; for the *Ideas* are very confuſed, imperfect and repugnant to each other; and ſo in this new Method of Certainty by *Ideas*, we cannot be ſo much as certain *that we are Men.*

But is it poſſible to ſuppoſe, that a *rational Man* ſhould talk of Certainty by *Ideas*, and not be able to fix the *Idea* of a *Man*? One would have thought this had been only an Omiſſion in this place out of pure Zeal *againſt Principles*: but certainly in other places *this Idea* of a Man muſt be made *clear and diſtinct*. So far from it, that in other places, you induſtriouſly ſet your ſelf to diſprove the *common Idea* of a Man. *It could not poſſibly be*, ſay you, *that the abſtract Idea to which the Name Man is given, ſhould be different in ſeveral Men, if it were of Natures making; and that to one it ſhould be* animal rationale; *to another* animal implume bipes latis unguibus. From whence it is plain, that you allow no clear and diſtinct Idea of Man; and you endeavour to expoſe *the ſacred Definition*, as you call it, of *animal rationale*; which was never expoſed by any Man without Cauſe. Book 3. ch. 6. Sect. 26.

But you conclude, *That we are far from knowing certainly what Man is, though perhaps it will be judged great Ignorance to doubt about it. And yet you think you may ſay, That the certain Boundaries of that Species are ſo far from being determined, and the preciſe Number of ſimple Ideas, which make that nominal Eſſence ſo far from being ſettled and perfectly known, that very material Doubts may ſtill ariſe about it.* So that I begin to think *J. S.* was in the right, when he made you ſay, *That you had diſcourſed with very rational Men who denied themſelves to be Men.* But this is a little too hard *to deny themſelves to be Men.* If it had been only, *who doubted whether they were Men or not*; you could not deny them to be *very rational Men*, becauſe they went upon your Grounds, that we can have no Certainty either by *Principles*, or by any *clear and diſtinct Ideas*, what a *Man is.* Sect. 17.

Thus I have ſhew'd how inconſiſtent your way of *Ideas* is with true *Certainty*; and of what Uſe and Neceſſity theſe *general Principles of Reaſon* are.

I now come to the *Certainty of Reaſon in making Deductions.* And here I ſhall briefly lay down the *Grounds* of *Certainty*, which the Ancient Philoſophers went upon, and then compare your way of *Ideas* with them.

Ariſtotle obſerves, *that* Socrates *firſt brought in Definitions* and *Inductions* in order to *Certainty*; and went no farther. *Plato* allowed no *Certainty*, but only *Opinion*, as to External Objects; but he ſaid, that Certainty depended upon abſtract and ſeparate Ideas, which were always the ſame. This he took, (as I obſerved in my former Letter) from the *Pythagoreans*, only changing *Numbers* into *Ideas.* For by *Numbers*, they underſtood *firſt Principles*, not groſs and material; but *immaterial* and *eternal*, as *Jamblichus* ſaith; and therefore *Moderatus Gaditanus*, one of the moſt underſtanding Men among them ſaith, *the* Pythagoreans *brought in Numbers.* Ἐυσήμως διδασκαλίας χάριν, *for a more decent Way of Inſtruction, following the Practice of Geometricians, who make uſe of Figures to repreſent things to the Mind*; and therefore their *Doctrine of Numbers* was the *Philoſophy of Principles*, or the general Grounds of Certainty; but this was ſo abſtruſe and ſo little underſtood, that it ſoon loſt its Reputation, as *Porphyry* obſerves, or was mixed with *Platoniſm*; and therefore *Photinus* joins the *Pythagorean* and *Platonick Principles* together. But *Ariſtotle* was a great

Ariſtot. Metaph. l. 5.

Anſwer to the firſt Letter. *p.* 32.

Jambl. in Nicom. p. 5.

Porph. vit. Pythag.

great Enemy to these abstracted Speculations, and therefore set himself so much on all occasions against *Ideas* and *Numbers*, especially in his *Metaphysicks*. But instead thereof, he endeavour'd to bring down Certainty to material Things, and to real Beings. In order to this, he saw it necessary to avoid Confusion, by explaining doubtfull Terms, and by ranking things under several Heads, which he called *Categories*; wherein all things are reduced to *Substance*, and *Accidents* belonging to them; to which he joins some general Discourses about *the right Apprehension* of things *simply consider'd*. But it is observable, that in all the *Categories* from *Archytas the Pythagorean* downwards, (who first placed them in that Order,) *Substance* was first ranked, as the most proper *Idea* of the Mind, and all Accidents or Modes were consider'd with respect to that. And the French *Cartesians* in their *Logick*, place *Substance* as the *first Object of their Ideas*: and do not leave us a *relative Idea*, to be supposed only, because Accidents cannot subsist without a Subject. Then follows the Way of understanding *the Truth and Falshood of Propositions*; after which, he pursues the Way of *Reasoning*, or inferring one thing from another, which he calls *Syllogizing*, wherein he professes to go upon this *common Principle* of *Reason*, *That what things do agree in a third must agree among themselves*. But being not content with the ordinary *Dialectical Way*, which proceeded upon the Concessions of the Party, he attempted to bring in *true Demonstration*. To which he supposes *general Axioms* necessary, and *Definitions*, and *Postulata*: and he distinguishes between a *necessary Conclusion*, and a *Demonstration*; for the former may arise from the manner of reasoning; but a *Demonstration* supposes a *necessary Cause*, and that the Propositions are such as that the Conclusion necessarily follows from them. So that *Demonstration* according to him must be of an inseparable Property, and by the most immediate and necessary Cause. How far *Aristotle*'s Notion of *Demonstration* can be applied to Physical matters is not my business to enquire; it being only to shew what his Method of Certainty was.

Metaphys. l. 7. c. 15, 16. l. 12. c. 4, 5.

But besides *Aristotle*, the *Stoicks* took upon them to lay down the true Method of Certainty; and they went another Way to work about it, *viz.* (1.) By finding out the *Criterion* of Truth and Falshood. (2.) By examining the Consequences and Deductions of Reason.

As to things which had some Degree of Evidence to Sense or Reason, they made the *Criterion* necessary, but for those which had not, but must be proved, the Examination of that Proof was necessary in order to Certainty.

The *Criterion* was agreed to be μέτρον καταλήψεως, the Measure whereby we are to judge of things. But as in the Use of Balances for Weight, there must be one to hold them and the Balances themselves, and the Position of them; and as in the judging of a Line, whether streight or crooked, there must be the Artificer, the Rule and the Application of it; so in judging of Truth and Falshood, there must be the Faculty of Understanding as the Artificer, Sense and Reason as the Rule; and the inward Ideas of the Mind, which answer'd to the Position of the Balances, or the Application of the Rule. Now that which they placed their Notion of *Certainty* in, was that *inward and comprehensive Idea*, which was called by them ἡ καταληπτικὴ φαντασία. If it were a weak Assent, they called it *Opinion*; for they made the Assent voluntary, notwithstanding the *Criterion*; but if it were a *firm and immoveable Assent*, that they called *Knowledge* and *Certainty*.

Arrian. l. 1. c. 22. l. 3. c. 26. Simplic. in Epict. c. 33.

But besides these *comprehensive Ideas* they did allow of *common Notions*, which they called προλήψεις, or *Anticipations*: of which *Arrian* speaks; and *Simplicius* saith, they *are those wherein all are agreed, and are planted in us by right Reason, and confirmed by Time and Observation.*

As to the other Part, they took great pains about the true signification of Words, the rank and order of Things, the nature and kind of Propositions,

and

and the difference of Signs, whereof ſome were *Monitory*, and others *Demonſtrative*: And the proving a thing uncertain, by ſomething granted to be certain, was that which they called *Demonſtration*. According to the Principles of the *Eleatick School*, the moſt ſimple and natural way of reaſoning was ſuppoſed to be by drawing *Conſequences* upon *Suppoſitions*, and the way the *Stoicks* took to judge of reaſoning, was by judging what approached neareſt to the *firſt Principles* of reaſoning; ſuch as that every thing we talk about either muſt be or not be; and in ſuch disjunct Propoſitions, one Part or other muſt be taken, and then a Train of Conſequences follows.

And *Plutarch*, no friend to the *Stoicks*, thinks this faculty of drawing Conſequences, lays the beſt Foundation for *Demonſtration*. For the Principle of it, he ſaith is the τὸ συνημμένον, *the connex way of reaſoning*; that is, as *Simplicius* explains it, *when two things are ſo joyned together as antecedent and conſequent, that by Poſition of the Antecedent, the Conſequent follows, and by taking away the Conſequent the Antecedent is removed.* Thus I have, in as few Words, as I could, laid together thoſe old Methods of Certainty, which have obtained greateſt Reputation in the World. Plut. de Ei Delph. Simplic. Epict. c. in 58.

But your way of *Certainty by Ideas* is ſo wholly New, that here we have no *general Principles*; no *Criterion*, no *Antecedents and Conſequents*; no *Syllogiſtical Methods* of *Demonſtration*; and yet we are told of a better way of Certainty to be attained, meerly by the help of *Ideas*. But how comes there to be ſuch a *way of Certainty by Ideas*, and yet the *Ideas* themſelves are ſo *uncertain* and *obſcure*? I confeſs, that the more I look into it, the farther it appears to be from *a way of Certainty* to me. For in your Chapter *of the Improvement of Knowledge*, you have theſe Words; *for it being evident that our Knowledge cannot exceed our Ideas, where they are imperfect, confuſed or obſcure, we cannot expect to have certain, perfect, or clear Knowledge.* And yet how often do you confeſs, that our Ideas are *imperfect*, *confuſed*, and *obſcure*? How then is it poſſible to attain to any *Certainty* by them? And notwithſtanding theſe plain Words, you aſſert it over and over in your ſecond Letter, as appears in the Beginning, *that you do do not place Certainty in clear and diſtinct Ideas*, (as I obſerved in the Beginning.) How can theſe things conſiſt? Can *Certainty* be had with *imperfect* and *obſcure Ideas*, and yet *no Certainty be had by them*? I cannot blame you for finding fault with *common Principles of Reaſon*, if both Parts of a *Contradiction* may be true: But I forbear. However I cannot but join other Words of yours to ſhew how reſolved you were to be inconſiſtent with your ſelf: *But obſcure and confuſed Ideas can never produce any clear or diſtinct Knowledge; becauſe as far as any Ideas are confuſed or obſcure, ſo far the Mind can never perceive clearly, whether they agree or diſagree.* Eſſay, B. 4. ch. 12. Sect. 14. Book 4. ch. 2. Sect. 15.

And yet in the ſame Place, you ſay, *that our Knowledge conſiſting in the Perception of the Agreement or Diſagreement of any two Ideas, its Clearneſs or Obſcurity conſiſts in the Clearneſs or Obſcurity of that Perception, and not in the Clearneſs or Obſcurity of the Ideas themſelves.* How is it poſſible for us to have a *clear Perception of the Agreement of Ideas*, if the Ideas themſelves be not clear and diſtinct?

If the Mind can never *perceive clearly the Agreement or Diſagreement of obſcure and confuſed Ideas*, how can its Knowledge lie in *the Perception of that which is not to be perceived?*

This is a thing which I cannot make conſiſtent.

But beſides, I have another Charge upon your way of Certainty, *viz.* that you have no *Criterion* to diſtinguiſh *falſe* and *doubtfull Ideas* from *true* and *certain*; how then can any Man be ſecure that he is not impoſed upon in this way of *Ideas*?

The *Academicks* went too far in the way to *Scepticiſm*, but they differ'd from the *Scepticks* in two Things. 1. They aſſerted, that there was no abſolute Certainty to be had, which the *Scepticks would not*. 2. They held a far greater

greater Probability in some things than others, and that Men were bound to follow the greatest Probability in what concern'd their own Welfare: but the *Scepticks* said, that they would do as others did, or follow Inclination, and the Laws of their Country, but they held no *Opinion* in their Minds, as they said.

The *Academicks* went much upon *Ideas*, or Representations of things to their Minds, but they did not proceed upon every *Idea*, but they examin'd and weighed all the Circumstances belonging to it, before they allow'd it to prevail upon them to give an Assent as to a greater Probability. *Carneades*, one of the subtilest of them, as appears by *Sextus Empiricus*, distinguished a three-fold *Idea*.

Sext. Empiric. adverſ. Mathem. l. 7.

1. Πιθανὴ φαντασία, *a probable Idea*; which the *Academicks* called Ἔμφασις. For, said he, neither that which appears false of it self; nor that which is true, but doth not appear so, can perswade a Man's Mind. And of those things which do appear to be true, some have a very slender Appearance, others have a mighty strong one, and therein he placed his *Criterion*.

2. Ἀπερίσπαστος φαντασία, *an undistracted Idea*; i. e. when no Circumstances disturb or shake the first Impression, so as to make us question the Truth of it; which *Sextus Empiricus* calls συνδρομὴ φαντασιῶν, *a Concurrence of Ideas* and none disagreeing, and yet he would not allow this to be a ground of certainty but only of *Probability*.

3. Διεξοδευομένη φαντασία, *a well examin'd Idea*, by the best Reason a Man hath and the greatest Application of Mind. And this was the Foundation of the highest *Probability* a Man's Mind could reach to. Now to apply this to your Case; You tell us of a way of *Certainty by Ideas*, and never offer any such Method for Examining them, as the *Academicks* required for their *Probability*. As for instance, Your first Idea which you go upon, is that of *Solidity*, *which* you say, *of all others seems the most intimately connected with and essential to Body*: And therefore must be of great Moment. *Solidity*, you say, *consists in Repletion and Resistence*; *and by this Idea of Solidity the Extension of Body*, you say, *is distinguished from that of Space*; *so that of pure Space and Solidity you have clear and distinct Ideas*. Now here in the way of Certainty I have two Questions to ask. 1. How this *Idea* comes to be *clear and distinct* to you, when others who go in the same way of *Ideas* have quite another *Idea* of it, and think they have as *plain* and *distinct* an *Idea* that the Extension of Space and Body are the same? Now what *Criterion* is there to come to any Certainty in this Matter? I see none so much as offer'd, but only that they seem to you to be *clear and distinct*, but to others the contrary. So that here we are at a loss as to any Certainty in the way of *Ideas*. And *the blind Man who fancied the Idea of Scarlet to be like the sound of a Trumpet*, could hardly be convinced of his Error in the way of *Ideas*. This you mention to shew the *different Ideas* men may fall into; which I think is enough to shew that they have no way of Certainty in themselves, if it be possible for Men, even for Philosophical and Rational Men, to fall into such contrary *Ideas* about the same thing; and both sides think their *Ideas clear and distinct*. 2. But I have another Question to propose; *viz.* Whether by this *Idea* of *Solidity* we may come to know *what it is*? This is a very reasonable Question in the *way of Certainty*, which is to lead us to the certain knowledge of Things. I pray therefore tell me from your *Idea*, *what it is*, *and wherein it consists*? The Question you suppose might be very well asked; and you give a most satisfactory Answer to it. *If any ask me what this Solidity is*, *I send him to his Senses to inform him*. I had thought by the Design of your Book you would have sent him to his *Ideas* for *Certainty*; and are we sent back again from our *Ideas* to our *Senses*? What do these *Ideas* signifie then? But you say farther; *That if this be not a sufficient Explication of Solidity*, *you promise to tell him*

Essay, B. 2. ch. 4. Sect. 5.

Sect. 6.

him what it is, when he tells you, what Thinking is, or explains to you what Extenſion and Motion are. Are we not now in the true way to Certainty, when ſuch things as theſe are given over, of which we have the cleareſt Evidence by *Senſation* and *Reflection?* For here you make it as impoſſible to come to certain, clear and diſtinct Notions of theſe things, *as to diſcourſe into a blind Man the Ideas of Light and Colours.* Is not this a rare way of Certainty?

Thus I have ſhewed that you have no Security againſt *falſe* and *uncertain Ideas*, no *Criterion* to judge them by; no Light into the Nature of Things by them, as will farther appear by what you ſay of the *Ideas* of *ſenſible Qualities. To diſcover*, ſay you, *the Nature of our Ideas the better, and to diſcourſe of them intelligibly, it will be convenient to diſtinguiſh them, as they are Ideas or Perceptions in our Minds; and as they are Modifications of Matter in the Bodies that cauſe ſuch Perceptions in us: that ſo we may not think (as perhaps is uſually done) that they are exactly the Images and Reſemblances of ſomething inherent in the Subject: moſt of thoſe of Senſation being in the Mind no more the likeneſs of ſomething exiſting without us, than the Names that ſtand for them are the likeneſs of our Ideas, which yet upon hearing they are apt to excite in us.* Now here again our *Ideas* deceive us, *in the way of Certainty.* We deſire to know ſomething of the *Nature of thoſe Objects* of which we have the *Ideas* in our Minds, becauſe theſe we are told, will bring us to *a Certainty of Knowledge.* Of what? Of what we feel? No certainly, but of that which cauſes theſe inward Perceptions. Can we then by theſe *Ideas* know the *Nature of things without us?* No, you ſay we cannot; for *moſt of thoſe of Senſation are no more the likeneſs of ſomething without us, than Names are for things which they ſtand for.* So that theſe *Ideas* are really nothing but Names, if they be not *Repreſentations* of *Things*; and if they be not, how can we underſtand Things by them; and if we cannot, what *Certainty* is attainable by them?

Book II. ch. 8. Sect. 7.

But I will do you no wrong; and therefore I muſt conſider what you ſay about *Demonſtration:* For it cannot be denied that you own the thing, although you deny it to be *ex præcognitis & præconceſſis*, and ſay, *it is a miſtake that they are ſuppoſed to be the Foundations of all our Knowlege and Reaſonings.* We muſt therefore examine your way of *Demonſtration* without *Principles.*

B. IV. ch. 2. Sect. 8.

Certainty, you ſay, *depends ſo wholly on Intuition, that in Demonſtrative Knowledge, this Intuition is neceſſary in all the Connexion of the Intermediate Ideas, without which we cannot attain Knowledge or Certainty.* By *Intuition* you mean *Self-Evidence.* For you ſay, *in this the Mind is at no pains of proving or examining, but perceives the Truth as the Eye doth Light only by being directed towards it.* For hence you muſt ſuppoſe *Self-Evidence* to be in the *Ideas* of your Mind; and that every *Intermediate Idea* which you take to demonſtrate any thing by, muſt have a Self-Evident Connexion with the other *Idea:* which is ſuch a way of Demonſtration, as the old Philoſophers never thought of. For upon this Ground every Demonſtration carries its own Light with it; and can no more be queſtioned, than whether two and two make four; and I would be glad to ſee any *Demonſtration* (not about Figures and Numbers) of this kind, which I think is not to be expected in the way of Ideas. But becauſe in this lies the chief Point as to a *way of Certainty by Ideas*, I ſhall more carefully examine the Grounds you proceed upon, and ſhew them to be very Inſufficient for the purpoſe you intend them.

Sect. 12.

Your principal Ground is from *Mathematical Demonſtrations*, and your Examples are brought from them. But his is quite a different Caſe from yours. For you grant, that thoſe *Ideas* on which *Mathematical Demonſtrations* proceed, are wholly in the Mind, and do not relate to the Exiſtence of Things; but our Debate goes upon a *Certainty* of the *Knowledge of Things* as really exiſting; ſo that, although we ſhould grant all that you ſay, about the *Intuition of Ideas in Mathematical Demonſtrations*, yet it comes not at all to your Buſineſs, unleſs you can prove that we have as *clear and diſtinct Ideas* of *Beings*, as we have of *Numbers* and *Figures*. And yet herein you are not conſiſtent with you ſelf; for your deſign to prove *Demonſtrations* without *General Principles*; and yet every one knows, that *General Principles* are ſuppoſed in *Mathematicks*, and that Perſon would be thought Ridiculous, who ſhould go about to prove, that *General Principles are of little, or of dangerous uſe* in Mathematical Demonſtrations. And ſo in *Morality*, which you place *among the Sciences*

B. IV. ch. 3. Sect. 18. *capable of Demonſtration*; you confeſs, *That the way of Demonſtration therein is from Principles, as thoſe of the Mathematicks, by neceſſary Conſequences.* This is a very intelligible way of *Demonſtration*: But how

Ch. 7. Sect. 10. then comes it to paſs, that in the *way of Certainty by Ideas* as to other Points of Knowledge, you *deny general Maxims to be the Foundation we*

Sect. 9. *are to proceed upon?* And the Method you lay down, is this, *that Ideas of particular things are firſt in the Mind, which are firſt received and di-*

Sect. 10. *ſtinguiſhed, and ſo Knowledge got by them; but general Ideas are Fictions and Contrivances of the Mind, which carry Difficulty with them; but that it is true of our particular diſtinct Ideas, that they are all known by their Native evidence, are wholly independent, receive no Light, nor are capable of Proof one from another; much leſs the more particular from the more general, or the more ſimple from the more compounded, the more ſimple and leſs Abſtract being the moſt familiar, and the eaſier and earlier apprehended. But which ever be the cleareſt Ideas, the Evidence and Certainty of all ſuch Propoſitions is in this, that a Man ſees the ſame Idea to be the ſame Idea, and infallibly perceives two different Ideas to be two different Ideas. For when a Man has in his Underſtanding the Ideas of One and of Two, the Idea of Yellow and of Blue, he cannot but certainly know, that this Idea of One is the Idea of One, and not the Idea of Two; and that the Idea of Yellow is the Idea of Yellow, and not of Blue. For a Man cannot confound the Ideas in his Mind, which he has diſtinct; that would be to have them confuſed and diſtinct at the ſame time, which is a Contradiction: and to have none diſtinct is to have no uſe of our Faculties, to have no knowledge at all. And therefore what Idea ſoever is affirmed of it ſelf, or whatſoever two entire diſtinct Ideas are denied one of another, the Mind cannot but aſſent to ſuch a Propoſition, as infallibly true, aſſoon as it underſtands the Terms without Heſitation, or need of Proof, or regarding thoſe made in more general Terms, and called Maxims.* Theſe are your own Words, which I have ſet down at large, that you may not complain that I miſrepreſent your Senſe. And if I underſtand the force of them, you take off the way of *Demonſtration* from *general Principles* and *Conſequences* deduced from them, and place it in *the Self-Evidence of Ideas.*

But that it is impoſſible to come to a *Demonſtration* about real Beings, in this way of *Intuition of Ideas*, I ſhall now make appear from your ſelf, which will farther diſcover the Inconſiſtency of your *Notion of Ideas.*

And

And the Reasons I go upon are these;

1. That you confess, that some of the most obvious Ideas are far from being *Self-evident.*

2. That there may be contradictory Opinions about some Ideas, which you account most *clear and distinct.*

3. That granting the *Ideas* to be *true*, there is no *Self-evidence* of the *Connexion* of them, which is necessary to make a *Demonstration.*

1. That some of the most *obvious Ideas*, are far from being *Self-evident* by your own Confession. Among these you cannot deny those of *Matter* and *Motion*, of *Time* and *Duration*, and of *Light*, to be very considerable. But I shall prove from your self, that we can have no *Intuition* of these things, which are so obvious to us; and consequently can have no *Self-evident Ideas* of them.

As to the *Idea* of *Matter:* That you tell us, *consists in a solid Substance every where the same; and a Body is a solid extended figured Substance.* Book 3. ch. 10. Sect. 15.

Now there are two things concerning *Matter*, which I would be glad to come to a certain Knowledge of. And those are,

1. The Manner of Cohesion of the Parts of Matter, concerning which you have these words. *For since no Body is no farther, nor otherwise extended, than by the Union and Cohesion of its solid Parts, we shall very ill comprehend the Extension of Body, without understanding, wherein consists the Union and Cohesion of its Parts, which seems to me as incomprehensible as the Manner of Thinking, and how it is performed. I would have any one intelligibly explain to me, how the Parts of Gold or Brass (that but now in fusion were as loose from one another, as the Particles of Water, or the Sands of an Hour-glass) come in a few Moments to be so united, and adhere so strongly one to another, that the utmost force of Men's Arms cannot separate them. A considering Man will I suppose be here at a loss, to satisfie his own or another Man's Understanding.* And can you then imagine that we have *Intuition* into the *Idea* of *Matter?* Or that it is possible to come to a *Demonstration* about it by the help of any *intervening Idea?* The *Idea* of *Solidity*, or firm Cohesion of Parts cannot be said to come from the *Idea* of *Matter* it self, for then there could be no such thing as *fluid Matter.* Whence then comes the distinction between these *Ideas* of solid and fluid Matter? That there is such a Cohesion of the solid Parts of Matter is evident: now what other *Ideas* do you compare and connect with this to make it evident, how this *Solidity* and Matter came to have this Agreement with each other? Book 2. ch. 23. Sect. 24. Sect. 25.

Is it by the *Density* or Compactedness of the Matter in a little Compass? But that is as hard to give an account of; *viz.* how some Parts of Matter come to take up so much less Room, and to stick closer than others. Is it by bare *Rest* of the Parts? But how comes the *Resistance* of solid Bodies to come only from *Rest?* Is it from *the Pressure of the Ambient Air?* No, you say, *that in Truth the Pressure of an ambient Fluid how great soever, can be no intelligible Cause of the Cohesion of the solid Parts of Matter.* So that we are not to look for any thing like a Demonstration of the Cohesion of the Parts of Matter. Book 2. ch. 23. Sect. 24.

2. And as little are we to expect it, as to the *Divisibility* of it; which was the other thing I hoped to find demonstrated in the way of *Ideas.* For you tell us, *that the Notion of Body is cumbred with some Difficulties which are very hard, and perhaps impossible to be explained, or understood by us.* And among these you particularly instance in the *Divisibility of* Ch. 23. Sect. 31.

Matter; which you say, *whether we grant or deny it to be* in infinitum, *it involves us in Consequences impossible to be explicated or made consistent. Consequences that carry greater Difficulty, and more apparent Absurdity than any thing can follow from the Notion of an immaterial knowing Substance.* So that I think it is vain to expect a *Demonstration* in the *way of Ideas* as to this Matter.

Book 3. ch. 4. Sect. 8. Sect. 9. The next is that of *Motion.* Concerning which you tell us, *that the Definition of the Schools is exquisite Jargon: That of the Atomists is but putting one Synonimous Word for another*; viz. *that Motion is a Passage from one Place to another: for Passage may as well be defined a Motion from one Place to another. And the Cartesian Definition, that it is the successive Application of the Parts of the Superficies of one Body to those of another, will not prove a much better Definition of Motion when well examin'd.* And what is there so evident as *Motion?* So that if our *Ideas* fail us in so plain a Case, what help can we hope from them in things more abstruse and remote from our Senses?

Book 2. ch. 14. Sect. 2. As to *Time* and *Duration*, you say, *that the Answer of a great Man (to one who asked what Time* was, Si non rogas, intelligo; *which amounts to this, the more I set my self to consider it, the less I understand it) might perhaps perswade one, that Time, which reveals all other things, is it self not to be discover'd.* This shews, that there is no *Self-evident Idea* of *Time.* But here you offer to furnish us with as *clear and distinct Ideas*, as of many other which are thought much less obscure. However, then it is plain, that we have not the Knowledge by *Intuition*, but by rational

Sect. 32. Deduction. For you proceed from *the Idea of Succession to that of Duration, by observing a Distance in the Parts of Succession; and then from observing Periodical Motions, we get Ideas of the Measures of Duration; as Minutes, Hours, Days, Years,* &c. *From hence we proceed to imagine Duration not yet come; and such to which we can always add; from which comes the Idea of Eternity: and by considering any Part of Duration with Periodical Measures, we come to the Idea of what we call Time in general:* So that *the Idea of Time in general* is so far from being known by *Intuition*, that many Steps are to be taken in order to it; and some such as

Sect. 4. one would hardly have thought of. As how *the Idea of Succession* should arise from *a Train of Ideas in our Minds:* You say it is, *because we have no Perception of Duration, but by considering the Train of Ideas, that take their Turns in our Understandings.*

What think you of those People that fail'd not in reckoning the Succession of Time right for many Years together by Knots, and Notches on Sticks, and Figures, without ever so much as thinking of *Ideas*, or any thing like them? But besides, such Arbitrary Measures of Time, what need any Recourse to *Ideas*, when the Returns of Days, and Months, and Years by the *Planetary Motions*, are so easie and so universal? If a Man hath no Perception of Duration when he *sleeps*, yet the Time runs on, and Nights have as much their share in Succession as Days have. And although you say, *it seems very clear to you, that Men derive their Ideas of Duration from their Reflection on the Train of the Ideas they observe to succeed one another*, yet I think the contrary so clear, that Men may have a *clear Idea* of *Succession* without it, that I rather wonder how you came to think of this Way. But it is sufficient to my purpose, that you could never know this *Idea* of Time by *Self-evidence.*

The

The laſt I ſhall mention is *Light*, and one would think, if any Idea be *Self-evident*, it ſhould be that. But let us ſee what you ſay about it; you explode *the Peripatetick Definition of it as unintelligible; and the Carteſian you allow to be but little better. For when they make it to be a Number of little Globules ſtriking briskly on the bottom of the Eye*, you ſay, *to a Man that underſtands it not before, theſe Words would make the Idea of Light no more known to him, than if one ſhould tell him, that Light was nothing but a Company of little Tennis-balls, which Fairies all day long ſtrook with Rackets againſt ſome Men's Foreheads while they paſs by others.* And is this a *Self-evident Idea* of *Light*? Thus we have ſeen what Account your ſelf have given of theſe *Self-evident Ideas*, which are the ground-work of *Demonſtration*. Book 3. ch. 4. Sect. 10.

2. But ſuppoſe an *Idea* happen to be thought by ſome to be *clear and diſtinct*, and others ſhould think the contrary to be ſo, what hopes of *Demonſtration* by *clear* and *diſtinct Ideas* then? As ſuppoſe a Man entertain *Des Cartes* his *Idea* of *Space*, as the ſame with Body, or extended Matter, which he affirms to be *clear and diſtinct*; the Conſequence from hence is, as your ſelf confeſs, *that he may from thence demonſtrate that there can be no Vacuum:* but again, let us ſuppoſe another to have a clear and diſtinct Idea of Space from Body, *this Man*, you ſay, *may demonſtrate as eaſily that there may be a Vacuum, or Space, without a Body, as* Des Cartes *demonſtrated the contrary.* Say you ſo? What *Demonſtrations* on both ſides, and in the *way of Ideas* too? This is extraordinary indeed. But if we may be allowed the Uſe of common Principles, we may be ſure, that both Parts of a Contradiction cannot be true, and therefore there muſt be a fundamental Miſtake ſomewhere. You ſay, *it is in wrong Application of that general Maxim, What is, is.* But there is no fault in the Principle, which is the true meaning of the other; that *it is impoſſible for the ſame thing to be and not to be*, which undoubtedly holds true; but it is in ſuppoſing the Reality of the thing to be according to what you call a *clear and diſtinct Idea.* So that the general Principles of Reaſon ſtand firm and good; but your *Self-evidence* of *clear and diſtinct Ideas* is ſuch a Principle, we ſee, as ſerves for *Demonſtrations* of both Parts of a Contradiction. Book 4. ch. 7. Sect. 12.

3. But granting the *Ideas* to be true, yet when their *Connexion* is not *Self-evident*, then an *intermediate Idea* muſt complete the Demonſtration. But how doth it appear that this *middle Idea* is *Self-evidently connected* with them? For, you ſay, *if that intermediate Idea be not known by Intuition, that muſt need a Proof*; and ſo there can be no *Demonſtration.* Which I am very apt to believe in this way of *Ideas*; unleſs theſe *Ideas* get more Light by being put between two others. This will beſt appear by a remarkable Inſtance already mentioned, *viz.* in the *Ideas of Space and Body*; the Queſtion ſuppoſed is, whether they be the ſame or not? ſome we ſee affirm it, and others deny it. So that here we muſt uſe an *intermediate Idea*, and that is of *Motion*, and we are to conſider whether this hath a Self-evident Connexion with the other Ideas? *The Motion of Bodies*, you ſay, *that are in our view and neighbourhood, ſeems to you plainly to evince a Vacuum.* But how? Is it by *Intuition* or *Self-evidence*? No, you do not pretend to it. But by Reaſon: *Becauſe there muſt be a void Space equal to the Bulk of that Body, which moves within the Bounds of ſuch a Superficies. And if there be a Space without Body there muſt be a Vacuum.* But *Gaſſendus* attempted to prove Motion impoſſible, if there were no *Vacuum*: For every Book 4. ch. 2. Sect. 7. Eſſay, B. 2. ch. 13. Sect. 22.

Body

Body must go into the place of another, and so *in infinitum*; which he said was ridiculous and impossible.

The *Cartesians* answer'd, *that the Motion was Circular*, *Gassendus* urged, that still it was impossible: For suppose *A* the first Body, and *X* the last; *A* cannot move, unless *X* can be moved: but *X* cannot move, because the Place is filled with *A*.

The *Cartesians* say, this proves nothing, because in the same instant, that *X* goes into the place of *A*, that gives way. *Joh. Bapt. Morinus* (Professor of the *Mathematicks* at *Paris*, at the same time with *Gassendus*) answers to *Gassendus* his Argument, *that the Separation of two Bodies and Succession are at the same time*; *and so there can be no Vacuum.*

Joh. Bapt. Morini Dissert. de Atomis & vacuo, p. 14.

Bernier defends *Gassendus* his Argument, and saith, *that no Motion can begin without a Vacuum*; but other Philosophers and Mathematicians as stifly deny it. And is it possible to imagine, that there should be a Self-evident Connexion of *Ideas* in this Case?

Bernier Favilla Ridiculi Muris, p. 99.

But what hath *Reason* now to do in this *way of Intuition*? Yes, say you, *Reason is to discover the Agreement or Disagreement of Ideas.* But this is nothing but an imploying the Faculty of Reason in such a manner: And so in the beginning of your *Chapter of Reason*, you tell us, *that it is sometimes taken for true and clear Principles, and sometimes for clear and fair Deductions from those Principles*; *but you take it for a faculty in Man.* But why, in a Chapter of *Reason*, are the other two Senses neglected? We might have expected here full Satisfaction as to the *Principles of Reason* as distinct from the faculty, but you wholly avoid it; and only shew how *it is used in finding out the certain Connexion of Ideas in Demonstration*; *and the probable Connexion in other things.* So that the Difference lies between us, as to this Matter of *Reason*, in these two things.

Sect. 2.

Ch. 17. Sect. 1.

Sect. 2.

(1.) You affirm, *that general Principles and Maxims of Reason are of little or no use*; I say that they are of very great use, and the only proper Foundations of Certainty.

(2.) You say, *That Demonstration is by way of Intuition of Ideas, and that Reason is only the Faculty imploy'd in discovering and comparing Ideas with themselves, or with others intervening*; *and that this is the only way of Certainty.*

I affirm, and have proved, that there can be no Demonstration by *Intuition of Ideas*; but that all the Certainty we can attain to, is from *general Principles* of *Reason*, and *necessary Deductions* made from them.

But before I conclude this Discourse, I must observe that you prove that *Demonstration* must be by *Intuition*, in an extraordinary manner, from the sense of the Word. For you say, *it is called Demonstration, it being shewn to the Understanding, and the Mind made see, that it is so.* I have told you formerly, how very uncertain a way of Arguing it is, which is taken from the original signification of Words; and if it would hold in this Case, it would be most proper for *Ocular Demonstrations*, or by the Finger. But in the Philosophical Sense of the Word, *Demonstration* was never taken for *Intuition*, or the knowing of a thing by its Self-evidence. But you assert *the Necessity of intuitive Knowledge, in every Step of a Demonstration.* Whereas, *Aristotle* saith, *things that are Self-evident cannot be demonstrated*; *and that it is Weakness and Folly not to know what things are capable of Demonstration, and what not.*

Essay, B. 4. ch. 2. Sect. 3.

Sect. 7, 8.

Aristot. Metaph. l. 4. c. 4.

It

It ſeems there were ſome Philoſophers, who would have firſt Principles demonſtrated; *This*, ſaith *Ariſtotle*, *cannot be done without running* in infinitum, *which is abſurd.* Whence it is plain, that *Demonſtration* was ſuppoſed to lie in ſome antecedent Proof; and where any thing was *Self-evident* it was abſurd to look for it: So that the way of *Intuition* and *Demonſtration* were thought inconſiſtent. For what a Man ſees by its own Light, he needs no Proof of. But you ſay, *that in a Demonſtration* Sect. 3. *the intervenient Ideas are called Proofs; and where by the help of theſe the Agreement or Diſagreement is plainly perceived, that is Demonſtration:* And *that in every ſtep there is an intuitive Knowledge of the Agreement or* Sect. 7. *Diſagreement it ſeeks with the next intermediate Idea, which it uſes as a Proof; for, if it were not ſo, that would need a Proof.* So that according to your Method of *Demonſtration*, that which is uſed as a *Proof* muſt *need no Proof*, but muſt be known by *immediate Intuition.* Of which kind of Demonſtration, I would fain ſee any one inſtance in the Knowledge of Things, and not in abſtracted and mathematical Demonſtrations. For it may be, it hath been the occaſion of ſome great Miſtakes in the Philoſophy of this Age, that ingenious and mathematical Men have labour'd ſo much to accommodate the Principles of that Science to the Nature of material Things; of which we have a remarkable Inſtance in the Syſtem of *Des Cartes.* And ſuppoſing we could come to a Certainty about the Nature and Tendency of Bodies here within our Reach, (I mean with reſpect to the Earth) I do not know how far the greateſt Mathematician can proceed in making Demonſtrations as to the Nature and Tendency of thoſe Bodies which are ſo much out of our Reach, as the Heavenly Bodies are, both in themſelves and with reſpect to one another. For, if the *Phænomena* depend upon a force given them by the Great and Wiſe Creator, how can we know in what Manner or Degree that force is given to Bodies at ſuch a wonderful Diſtance from us, as the fixed Stars are? For, if God can alter the Laws of Motion in *another Syſtem*, as it is not denied; how can we be mathematically certain, that the Laws of Motion in Bodies, ſo much above us, are the very ſame that we find them here; I do not by any means take off from the laudable Endeavours of thoſe who have gone about to reduce natural Speculations to mathematical Certainty: but I mention it to ſhew, that it is a very eaſie way for Thinking Men to deceive themſelves, in talking ſo much of *demonſtrative Certainty* about natural Things, when all their Inſtances are brought from *Mathematical Demonſtrations.* *Ariſtotle*, whom I cannot deſpiſe ſo much as ſome do (I do not ſay for want of reading him) hath a Diſcourſe on purpoſe in the Beginning of his *Books of Animals, in what way natural Things are to be handled*; and he ſaith, *there are two ways.* 1. *By way of Science.* 2. *By way of Inſtruction, which muſt be ſuitable to the Nature of the things.* So that in natural Hiſtory he ſaith, *there muſt be certain bounds ſet for Enquiry, without proceeding to ſtrict Demonſtration. And*, ſaith he, *the Manner of Demonſtration as to natural Things is different from what it is in ſpeculative or mathematical Things.* In another place he laments the want of *Experiments* as to *natural Hiſtory*, (although he made far more than any before him, and was better able to do it by the plentifull Aſſiſtance of *Philip* and *Alexander*, while he lived at Court) and he looks on that *as the beſt way of ſatisfying our Reaſon about ſuch things; and our Reaſons*, ſaith he, *are then good, when they agree with the Phænomena.* *Ariſt.* de Part. Anim. *l.* 1. *c.* 1. De Gen. Anim. *l.* 3. *c.* 10.

And

And he was so far from thinking he had made *Demonstrations in Physicks*, that in one place he saith, *that in things not evident to Sense, he thought it sufficient to shew the Possibility of it*; and therefore he ought not to be run down for his Modesty; however his physical Notions fall far short of *Demonstrations*.

De Meteor. *l.* 1. *c.* 7.

Moral. Magn. *l.* 1. *c.* 1.

In his *Morals*, he saith, *all Principles must be suitable to the Nature of the Science; for it would be absurd for a Man to go about to prove the three Angles of a Triangle equal to two right Angles; and take this for his Principle, that the Soul is immortal. For the Proof must be proper and connected with it.* And from hence he excludes *Plato's Idea* from being a *Principle* in *Morals*.

Eudem. *l.* 1. *c.* 6.

In his *Eudemia*, *the way of Proceeding in Morals*, he saith, *is by Reasons, Testimonies, and Examples*; and he looks on it *as great want of Judgment for Men not to consider what Reasons are proper for every Science.* So that according to him, *Morality* is not uncapable of Demonstration; so it be upon *Moral Principles:* For that he lays down in the Beginning of his *Ethicks*, and afterwards, *that the same Exactness is not to be required in all sorts of Reasoning: but that it ought to be suitable to the Matter it is about.*

Ethic. ad Nicom. *l.* 1. *c.* 1, 7. *l.* 2. *c.* 2.

Ὅτι κατὰ τὴν ὕλην οἱ λόγοι ἀπαιτητέοι.

If therefore the *Principles* in *Morality* be clear and proper, and the *Deductions* be plain and natural, I do not see, but that it is as capable of *Demonstration* as any other Science; if Men were as willing to be convinced in *Morals*, as they are in *Mathematicks*. And therein I fully agree with you: But the way of *Demonstration by Ideas* will not do, either there or any where else. I mean by this *intuitive Knowledge in every Step of the Demonstration:* when the *intervening Ideas* are far from being capable of this *intuitive Certainty*.

And as to your Argument from the Notation of the Word, it is certain that after the Philosophical Use of it, it signified no more among some Philosophers than *the Conclusion of an Argument; whereby we are brought from something we did perceive, to something we did not.*

Not by way of *Intuition*, but by a *Deduction of Reason*. And *Plato* makes use of the Word *Demonstration* in his *Phædrus*, for *such a Reason which wise Men would believe, and others would not:* But there could be no intuitive Certainty in such a Demonstration.

Itaque Argumenti Conclusio quæ est Græcè Ἀπόδειξις ità definitur; Ratio quæ ex rebus perceptis ad id quod non percipiebatur adducit. Cicero in Lucullo, c. 8.

Ἡ δὲ Ἀπόδειξις ἔστι δεινοῖς μὲν ἄπιστος, σοφοῖς δὲ πιστή, Plato in Phædro. V. Dialect. Ciceron. Adam Bursii, l. 6. c. 10.

I have been longer a clearing this Matter than I thought I should have been; but it is the main Point as to *Certainty by Ideas*, and what remains will admit of an easier Dispatch. I now return to the Difference between *Nature* and *Person*; and I shall only single out what is material and pertinent; and now leave the interlocutory Gentlemen to maintain their Conversation by themselves.

I had said in my Vindication, "That Nature may be consider'd two "Ways. (1.) As it is in distinct Individuals. (2.) Abstractly with- "out respect to individual Persons.

(1.) "As it is in distinct Individuals, as the Nature of a Man is "equally in *Peter*, *James*, and *John*, and this is the common Nature "with a particular Subsistence belonging to each of them. For the

"Nature

" Nature of Man, as in *Peter*, is distinct from the same Nature, as it " is in *James* and *John*; otherwise they would be but one Person, as " well as have the same Nature. Which to my understanding is plain and clear Reason. And if so, then here we have an *Identity* of *Nature*, and a *Distinction* of *Persons* in the same Nature.

But to this you object these three Things:

(1.) *That you cannot put together one and the same, and distinct; and consequently there is no Foundation for the Distinction of Nature and Person.* P. 127.

(2.) *That what I say about common Nature, and particular Subsistence and Individuals, is wholly unintelligible to you and your Friends.* P. 131, 132, 134, 138, &c.

(3.) *That to speak truly and precisely of this Matter, as in reality it is, there is no such thing as one common Nature in several Individuals; for all that is Truth in them is particular, and can be nothing but particular. But the meaning is, that every particular individual Man or Horse, &c. has such a Nature or Constitution as agrees, and is conformable to that Idea which that general Name stands for.* P. 154.

This is the Substance of what I can gather out of your Discourse in several Pages, but as to the general Reflections I pass them over, having no other Design but to set Truth in as good a Light as I can. And if I have the Misfortune not to be understood, I cannot help it; I wish it were in my Power to help other Men's Capacities as well as to help my own.

But you say, the *Notionists and Ideists*, (as they are called) seem to *have their apprehensive Faculties very differently turned.* I do not think, that there is any *different Turn in their Faculties*; but there may be a very wrong *Turn* in the Method of Reasoning in those, who go in this *way of Ideas*, from what there is in those who pursue the general *Principles of Reason*, and from thence draw particular Conclusions. P. 144.

If any Man takes it for granted, that your *way of Ideas is the only way to Certainty* (and he must take it for granted, if he will believe it) then I cannot see how he can apprehend *one and the same common Nature* in different Persons or Individuals, because all his *Ideas* are taken from *Particulars*; and therefore a common Nature is no more but *one common Name*; and every Individual is consider'd as ranked under those Names. But herein lies the fundamental Mistake, that you presume that we are not to judge of things by the *general Principles* of *Reason*, but by *particular Ideas*. For if Men set aside this new way of Judging only by these *Ideas*, things would appear in another Light to them: But I find it is to very little purpose to argue with such Men, who are resolved to *stick to this way of Ideas*; for they can apprehend nothing but just in their own way: And let us say what we will, it is *jargon*, and *unintelligible* to them; although *very rational Men* have said the same things that we do, and have been thought by the rest of Mankind to have spoken *intelligibly*. But now it seems nothing is *intelligible*, but what suits with this *new way of Ideas*, however repugnant it be to the common Principles of Reason; which must be the Standard to Mankind, whatever becomes of this way of Ideas.

And therefore in this Debate I shall proceed upon these *Principles of Reason*, which have been receiv'd among Mankind; and from them I hope to make it appear, that the Difference of *Nature* and *Person* is

not imaginary and fictitious, but grounded upon the real Nature of things.

The *Principles of Reaſon* which I go upon are theſe;

1. That Nothing hath no Properties.

2. That all Properties being only Modes or Accidents muſt have a real Subject to ſubſiſt in.

3. That Properties eſſentially different, muſt ſubſiſt in different Eſſences.

4. That where there is an Agreement in Eſſential Properties and a Difference in Individual, there muſt be both an Identity and Diverſity in ſeveral Reſpects.

Now upon theſe *Principles* I build my Aſſertion, that there is one real and common Nature or Eſſence in Mankind, and a Difference of Perſons in the ſeveral Individuals. For, that there are ſuch Eſſential Properties in Mankind which are not in Brutes, I ſuppoſe you will not deny. Now theſe Eſſential Properties muſt ſubſiſt ſomewhere; for Nothing can have no Properties, and theſe Properties cannot ſubſiſt (where Individuals are multiplied) in any one Individual: For that is to exclude all the reſt from the Eſſential Properties which belong to them; and if they have them in common, there muſt be ſome common Subject wherein they ſubſiſt, and that can be nothing but the common Eſſence of Mankind. For the Eſſence of Brutes or Plants have them not; and therefore theſe Eſſences muſt be really different from one another.

But becauſe Individuals of the ſame kind, have ſomething to diſtinguiſh, as well as to unite them, therefore there muſt be a different Subſiſtence in every Individual: and ſo *one and the ſame*, and *yet diſtinct*, may very eaſily and intelligibly conſiſt together.

P. 131. But you ſay, *I have not told you what Nature is*; I think my Diſcourſe ſufficiently ſhew'd it, if you had a mind to underſtand it; for you could not but ſee that I meant the Subject of the Eſſential Properties, whether you call it *Nature*, *Subſtance*, or *Eſſence*. Your Objection *about Nature and Subſtance being of equal Extent*, I hope I have ſufficiently removed in the foregoing Diſcourſe.

P. 132. You tell me, *that it is more than you know, that the Nature of a Man is equal in* Peter, James *and* John. I am ſorry for it. For I thought you had *Ideas of particular Subſtances*. But *they may be Drills or Horſes for any thing you know*. I am again ſorry that you know particular Men no better; but that for ought you know, they may be *Drills or Horſes*.

P. 133. *But you know a Horſe that was called* Peter, *and you do not know but the Maſter of the ſame Team might call other of his Horſes*, James *and* John. Suppoſe all this. And could you not in the *Way of Ideas* diſtinguiſh them from thoſe of your Acquaintance who had the ſame Names? I confeſs, this tempts me to think that *Ideiſts* (as you call them) have a particular *Turn of their Underſtandings* about theſe Matters. For I cannot but think, that thoſe who were not *very rational Men*, might underſtand the Difference between *Men* and *Horſes*; without being told, that although Horſes might be called by their *Names*; yet that theſe were real Men, and *their Conſtitution and Nature was conformable to that Idea, which the general Name Man ſtands for. But this is no more than to ſay, that he that has the Nature of a Man is a Man, or what has the Nature of a Drill is a Drill; and*

what

what has the Nature of a Horſe is a Horſe; whether he be called Peter, *or not called* Peter. If this were really the Diſcourſe of your Friends in private Converſation, you have been very obliging to them to publiſh it to the World: For Mankind are not ſo ſtupid, as not to know a *Man* from a *Horſe* or a *Drill*, but only by the *Specifick Name of Man*. You may have a *Horſe* called *Peter* if you pleaſe, and another *James*, and a third *John*; but for all that, there is no one that hath the Underſtanding of a Man, but will be able without your *Specifick Names* to tell the Difference of your *Horſe Peter* from your *Man Peter*; and call them by what Names you pleaſe the Difference will not depend upon them, but upon the Eſſential Properties which belong to them; and ſo it will be owned by all that have not this *New turn of their Underſtandings*. But I plainly ſee, that a new Notion when it hath got deep into a Man's Head doth give a ſtrange *Turn* to his Underſtanding; ſo that he cannot ſee that which every one elſe can, that hath not the ſame Tincture upon his Mind. And I remember an Obſervation of yours, *How dangerous it is to a Man's* Book 2. ch. 11. Sect. 13. *Reaſon to fix his Fancy long upon one ſort of Thoughts.* Theſe *Ideas* are a very odd ſort of *Spectacles* to our Underſtandings, if they make them ſee and underſtand leſs, than People of very ordinary Capacities do. For even the Man *who had the Horſe with the Name* Peter, and *might have others by the Names of* James *and* John, would not a little wonder at a grave Philoſopher that ſhould ſeriouſly ſay to him; You ſee, Friend, that your Horſes have the Names of *Men*, how do you know but that they are Men? *Know*, ſaith the Country-man, I hope you are wiſer than to ask me ſuch a Queſtion? Or what do you take me for, if I cannot tell the Difference of Men from Horſes whatever Names they have. Do not tell me of your *Specifick Names, and Conformity to your Ideas*, I know well enough the Difference between my *Horſe Peter* and my *Man Peter* without ſuch Gibberiſh. My Man *Peter* and I can ſit and chop Logick together about our Country Affairs, and he can Write and Read, and he is a very ſharp Fellow at a Bargain; but my *Horſe Peter* can do none of theſe things, and I never could find any thing like *Reaſon* in him, and do you think I do not know the Difference between *a Man* and a *Beaſt*? I purſue this no farther leſt the Country-man ſhould be too rude to the Gentlemen, with whom you had this *Learned Converſation*, about the Difference of *Men*, and *Horſes*, and *Drills*.

But you or your Friend, or both, are very hard ſet again *about a* P. 124. *Common Nature with a particular Subſtance proper to each Perſon. For ſuch is your Misfortune*, you ſay, *that for your Life you cannot find it* P. 121. *out*. This is a hard Caſe; before, *for your Life you could not underſtand Nature and Subſtance to be the ſame*; and now again, *for your Life you cannot find out this*. Where lies the monſtrous Difficulty of it? You ſay, *You repeated, and this twenty times to your ſelf; and your weak Underſtanding always Rejolts*. At what? My Words are, "Nature may be conſidered, as it is in diſtinct Individuals, as the "Nature of Man is equally in *Peter*, *James* and *John*. And this is "the common Nature with a particular Subſiſtence proper to each "of them.

You ſay, *That the Nature of Man in* Peter *is the Nature of a Man,* P. 135. *if* Peter *be ſuppoſed to be a Man; but if it be the Name of a Horſe, your Knowledge vaniſhes*. Cannot you, *for your Life*, know the Diffe-

rence between a *Man* and a *Horſe*, by their Eſſential Properties, whatever their *Names* be? If ſo, there is a greater *turn of Mens Underſtandings*, than I imagined. But again, ſay you, *Let it be impoſſible to give that Name to a Horſe* (whoever had ſaid or thought ſo) *yet you cannot underſtand theſe Words, the common Nature of a Man is in* Peter; *for whatſoever is in* Peter *exiſts in* Peter; *and whatever exiſts in* Peter *is particular; but the common Nature of Man is the general Nature of Man, or elſe you underſtand not what is meant by Common Nature; and it confounds your Underſtanding to make a General a Particular.*

. To this I anſwer, That the Common Nature of Man may be taken two ways. *In the way of Ideas, and in the way of Reaſon. In your way of Ideas* it is not at all to be wondered at, that you cannot underſtand ſuch *a Common Nature*, as I ſpake of, which ſubſiſts in ſeveral Perſons, becauſe you ſay, *You can have no Ideas of Real Subſtances but ſuch as are Particular*; all others are only *Abſtract Ideas*, and made only by the Act of the Mind. But I ſay, That in the *Way of Reaſon* you may come to a better underſtanding of this Matter. Which is by conſidering the Nature of Beings, and the Cauſes of the Differences amongſt the ſeveral kinds of them. I had told you before, in my Anſwer to your firſt Letter, that we are to conſider Beings as God hath ordered them in their ſeveral Sorts and Ranks, and that he hath diſtinguiſhed them by Eſſential Properties from each other, as appears by Mankind, and Brutes, and Plants: And that although the Individuals of the ſeveral kinds agree in Eſſential Properties, yet there is a real Difference between them in ſeveral Accidents that belong to them, as to Time, Place, Qualities, Relations, *&c.* Now that wherein they agree *is the Common Nature*; and that wherein thy differ, is the *Particular Subſiſtence.* And if this be ſo hard to be underſtood, why was it not anſwered here in the proper place for it? Is not that a Real Nature that is the Subject of Real Properties? Is not that Nature really in all thoſe who have the ſame Eſſential Properties? And therefore the *Common Nature* of Man muſt *exiſt in Peter*, becauſe he is a Man, and ſo in *James* and *John:* and yet every one of theſe is ſo diſtinguiſhed from the other, that we may juſtly ſay he hath a *Particular Subſiſtence* with that *Common Nature.* And this is *no making a General a Particular*, but diſtinguiſhing one from the other; which is a Diſtinction ſo eaſie and neceſſary, that I cannot but wonder at thoſe who ſay, that *for their Lives* they cannot find it out.

Anſw. to Letter I. p. 110.

I had ſaid, " For the Nature of Man as in *Peter*, is diſtinct from that " ſame Nature, as it is in *James* and *John*, otherwiſe they would be " but One Perſon as well as One Nature. And what Reply is made to this? *You cannot underſtand what this is a Proof of.* It is plain that I meant it of a *Particular Subſiſtence*; and if you cannot for *your Life* underſtand ſuch eaſie things, how can I *for my Life* help it? Read the Words over again which are before them, and joyn them together. " And this is the Common Nature with a Particular Subſiſtence pro- " per to each of them; for the Nature of Man as in *Peter* is diſtinct " from that ſame Nature as it is in *James* and *John.* But I am really aſhamed to be put to explain ſuch things; I hope *Ideas* do not give another Turn to Common Senſe. But you ſay, *That otherwiſe they could not be three Perſons, is to prove it by a Propoſition unintelligible to you, becauſe you do not yet apprehend what a Perſon is.* Of that in its

P. 137.

P. 138.

proper

proper place. Theſe Words of mine follow, " And this Diſtinction " of Perſons in them, is diſcerned both by our Senſes as to their diffe- " rent Accidents, and by our Reaſon becauſe they have a ſeparate Exi- " ſtence, not coming into it at once and in the ſame manner. And is this *unintelligible* too? You ſay, *It will hold as well for three Phyſical Atoms, which are three diſtinct Individuals, and have three diſtinct Natures in them, as certainly as three diſtinct Men.* But are *three Atoms* as much *three Perſons* as *three Men? But you cannot diſcern the diſtinction by our Senſes as to their Accidents, nor by your Reaſon as to ſeparate Exiſtence, becauſe God might create them at once.* Therefore we cannot diſtinguiſh *three Humane Perſons* that way? Is this Reaſoning in the *way of Ideas?* Or in any way? P. 140.

Suppoſe we put the Common Nature of an Animal for the Common Nature of Man. What follows? *Therefore three Animals are three diſtinct Perſons, as well as three Men?* I thought there was ſome cauſe for your diſliking *the Common Principles* and *Methods of Reaſoning.* I am forced to give but ſhort touches at ſuch things, which I cannot anſwer more largely, without being thought *to make Marks of Diſtinction.* P. 141.

Come we now therefore to the Second Senſe of Nature, " as it " is taken abſtractly without Reſpect to Individual Perſons; and then " I ſaid, it makes an entire Notion of it ſelf. For however the ſame " Nature may be in different Individuals, yet the Nature in it ſelf " remains one and the ſame; which appears from this evident " Reaſon, that otherwiſe every Individual muſt make a different " kind.

Is this to be underſtood any better? No. *An entire Notion of it ſelf is an Expreſſion never met with before. An entire Idea of it ſelf* had been very plain and eaſie; but this is not to talk with Men in their own Dialect. *But if we put it ſo, the Difficulty remains.* What Difficulty? *It then makes no more an entire Notion than the Nature of* Peter. Is it not the ſame Nature conſidered as *common* to all Individuals, diſtinct from that *Nature as in* Peter? I wiſh among all the ways of inlarging Knowledge, you could think of ſome new way of conveying Notions into Mens Minds, for I find your *Way of Ideas* will never do it. For you cannot be brought one ſtep beyond the firſt Caſt of *Ideas.* And you will not allow, that which I give for an Evident Reaſon, *to prove any thing towards clear Apprehenſions of one Common Nature.* But if *Nature* be one and the ſame in different Individuals, then there muſt be one Common Nature, which makes an entire Notion of it ſelf: If it be not one and the ſame, then every Individual muſt make a Diſtinct Kind? Can any thing be more evident? But you give one common Anſwer; *I underſtand not any thing that is meant in this whole Paragraph, as to the right Apprehenſion of one Common Nature.* And ſo I am very well content to leave it to the Reader's Underſtanding. P. 144. P. 146. P. 147.

And now I come at laſt to the *Idea of a Perſon.* And here I am glad to find *ſomething you do underſtand:* Which is great News. *This,* ſay you, *I underſtand very well, that ſuppoſing* Peter, James *and* John *to be all three Men, and Man being a Name for one Kind of Animals, they are all of the ſame Kind.* Do you mean that they have the ſame common Eſſence, or have only the ſame common Name? If you mean the former, there muſt be a common Nature; if only the latter, that cannot P. 149.

not make them of the *ſame Kind*. For *Kind* ſignifies nothing but a meer Name without it. If it be asked you, whether *Men* and *Drills* be of the ſame Kind or not? Could you give no other Anſwer, but that the *Specifick Name Man* ſtands for one ſort, and the *Specifick Name Drill* for the other; and therefore they are not of the ſame Kind? Are thoſe Names arbitrary, or are they founded on real and diſtinct Properties? If they be arbitrary, they have no other Difference, but what a Dictionary gives them. If they are founded on real and diſtinct Properties, then there muſt be a real Difference of Kinds founded in Nature; which is as much as I deſire. But to go on. *You underſtand too very well, that* Peter *is not* James, *and* James *is not* John, *but that there is a Difference in theſe Individuals. You underſtand alſo, that they may be diſtinguiſhed from each other by our Senſes, as to different Features and Diſtance of Place*, &c. *But what follows*, you ſay, *You do not underſtand*, viz. *that ſuppoſing there were no ſuch external Difference, yet there is a Difference between them as Individuals of the ſame Nature. For all that this comes to, as far as you can underſtand, is that the Ground of the Diſtinction between ſeveral Individuals in the ſame common Nature is*
P. 152. *that they are ſeveral Individuals in the ſame common Nature.* You underſtand, it ſeems, that they are *ſeveral Individuals, that* Peter *is not* James, *and* James *is not* John; and the Queſtion is, what this Diſtinction is founded upon? Whether upon our obſerving the Difference of Features, Diſtance of Place, &c. or on ſome antecedent Ground? I affirm, that there is a Ground of the Diſtinction of Individuals antecedent to ſuch accidental Differences as are liable to our Obſervation by our Senſes.

And the Ground I go upon is this, that the true Reaſon of Identity in Man is the vital Union of Soul and Body: And ſince every Man hath a different Soul united to different Particles of Matter, there muſt be a real Diſtinction between them, without any reſpect to what is accidental to them. For, if *Peter* have a Soul and Body different from *James*, and *James* from *John*, they muſt have different *Principles* of *Individuation*, without any reſpect to Features or Place, &c.

P. 149. You ſay, *You cannot ſuppoſe a Contradiction*, viz. *that there is no difference of Place between them.* But that is not the Point, whether when we conſider them with reſpect to Place, there can be ſuch a thing as Identity of Place to two different Bodies; But whether we cannot conſider two ſeveral Individuals of Mankind without particular regard to Place? Which I ſay, we may, and for this Reaſon; becauſe Relation to Place, is an external Difference, but the real Diſtinction of Individuals doth not relate to any Accident of the Body; becauſe the Individual conſiſts of the Union of Soul and Body; and you cannot judge of
Eſſay, B. 2. ch. 27. Sect. 1. the Exiſtence of the Soul by the Place of the Body. You ſay, *that when we ſee any thing to be in any place in any inſtant of Time, we are ſure (be it what it will) that it is that very thing, and not another which at that Time exiſts in another Place, how like and undiſtinguiſhing ſoever it may be in all other Reſpects. And in this conſiſts Identity.* But I think the Identity of Man depends neither upon the Notion of Place for his Body, nor upon the Soul conſider'd by it ſelf, but upon both theſe, as actually united and making one Perſon. Which to me ſeems ſo clear and intelligible, that I can imagine no Objection againſt it. I am certain you produce none.

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My next Words are, " And here lies the true Idea of a Perſon, which " ariſes from that manner of Subſiſtence, which is in one Individual, and " is not communicable to another.

In your Anſwer to this, I paſs over the trifling Exceptions, about *the Diſſyllable Perſon*, and *the true Idea and Signification* of the *articulate Sound*; and about *here* and *herein*, &c. being reſolved to keep to what appears material. And the only thing of that kind is, *that according to my Senſe of Perſon, it will as well agree to* Bucephalus *as to* Alexander; *and the difference will be as great between* Bucephalus *and* Podargus, *as between* Alexander *and* Hector, *all being ſeveral Individuals in the ſame common Nature:* but *for your part you cannot underſtand that* Bucephalus *and* Podargus *are Perſons in the true ſignification of the Word Perſon in the Engliſh Tongue.* And whoever deſired you ſhould? For I expreſly ſay, *that a Perſon is a compleat intelligent Subſtance, with a peculiar manner of Subſiſtence.* And again, *For a Perſon relates to ſomething which doth diſtinguiſh it from another intelligent Subſtance in the ſame Nature.* So that it is impoſſible to apply my Notion of Perſon to any irrational Creatures, although they be *Bucephalus* and *Podargus:* And I think a Man muſt ſtrain hard to make ſuch Objections, ſo directly againſt that Idea of a Perſon which I ſet down. And it is very eaſie to underſtand the Difference between a Diſtinction of *Individuals* as ſuch, and of *intelligent Individuals*, and that manner of Subſiſtence in them, which makes them diſtinct Perſons. P. 155. P. 156.

But you ſay, that I affirm, *that an individual intelligent Subſtance is rather ſuppoſed to the making of a Perſon, than the proper Definition of it: and yet afterwards I make it to be the Definition of a Perſon, that it is a compleat intelligent Subſtance.* P. 159.

To this I anſwer, That in the former place I give an Account of the *Reaſon of Perſonality*, which I ſay lies in the Manner of Subſiſtence, and not in the intelligent individual Subſtance; which is rather ſuppoſed to the making of a Perſon: For that which critically diſtinguiſhes the Perſon is the Reaſon of Perſonality; but when we come to give a common Definition of it, there is no ſuch neceſſity of inſiſting upon the Reaſon of the Difference, but upon the common Acception of it *Perſon.* And upon that account I call it a *complete intelligent Subſtance*, becauſe, although the *Soul* be ſo in it ſelf; yet we take *Perſon* with Relation to *Soul* and *Body* united together. And ſo the *Identity* of *Perſon* muſt take in both, not only here, but at the Reſurrection.

And thus I have gone through all that I could find, that ſeem'd material in the *Dialogue* between you and your Friends as to this Subject, and I aſſure you, I have omitted nothing which I apprehended had any Appearance of Difficulty in it. And I find not the leaſt Reaſon to be unſatisfied in the Account I had given of the Difference of *Nature* and *Perſon:* but I ſtill think that it doth tend very much to the right Apprehenſion of the Doctrine of the Trinity; as I hope doth farther appear by the foregoing Diſcourſe.

And now to come to a Concluſion of this whole Debate. (For I intend not to draw this Saw any longer, having done as much as I think fitting for my ſelf to do.)

I ſaw no Neceſſity of writing again for my own Vindication as to your firſt Charge, which I was contented to leave to the Reader's Judgment. But in the Concluſion of my former Anſwer, I had ſaid, " That " as you had ſtated your Notion of Ideas, it may be of dangerous Con-

" ſequence

"sequence to that Article of the Christian Faith, which I endeavoured
P. 57. "to defend. This you call *a new Charge against your Book*; and you
59. complain, *that I do not specifie the Particulars, wherein I apprehend it*
84. *may be of such dangerous Consequence*; and you blame me for this *saying,*
85. *without shewing that it is so:* and that *all the Reason I give is, that it is*
57. *made use of by ill Men to do mischief:* that when I say, *it* may *be, it*
84. 85. *shews only an Inclination to accuse, and proves nothing; that Danger may be apprehended where no Danger is; that if any thing must be laid aside, because it may be ill used, you do not know what will be innocent enough to*
170. *be kept*; and lastly, *that the Imputation of a Tendency to Scepticism, and to the overthrowing any Article of the Christian Faith are no small Charge;*
171. and *that you cannot see any Argument I have brought, that your Notion of Ideas tends to Scepticism.* These things laid together, made me think it necessary to do that which I was unwilling to do, till you had driven me to it; which was to shew the Reasons I had, why I look'd on your *Notion of Ideas*, and of *Certainty* by them, as inconsistent with it self, and with some important Articles of the Christian Faith.

What I have now done, I thought it my Duty to do, not with respect to my self, but to some of the Mysteries of our Faith; which I do not charge you with *opposing*, but with laying such Foundations as do tend to the Overthrow of them; of which we have had too much Experience already; and may have more, if your Way of *Certainty by Ideas* should obtain. Which I cannot think it will among such as are capable, and willing, to judge impartially. I have now done with this Matter: And as some may think it the first part of Wisdom not to begin in such Disputes (and I am of their Mind if they did not touch the Christian Faith) so they cannot but judge it the next (as I do) to know when to make an End.

I am, Sir,

Your faithful Friend,

Sept. 22. 1697.

and Servant,

Ed. Wigorn.

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ECCLESIASTICAL CASES

Relating to the

DUTIES and RIGHTS

OF THE

Parochial Clergy,

Stated and Resolved according to the PRINCIPLES of CONSCIENCE and LAW.

To the Reverend

CLERGY

OF THE

DIOCESE of *WORCESTER.*

My Brethren,

THE *following Discourses do of Right belong to You; the Substance of them being contained in what I delivered to You in several Times and Places, in the Course of my* Visitations: *In which I endeavoured to lay open the* Nature *and* Dignity *of your Function, the Rules you are to observe in the Discharge of it, and to state and resolve the most important Cases, which relate to your* Duties *and* Rights, *according to the Principles both of* Law *and* Conscience. *For I observed, that some had spoken very well of the General Nature of the Ecclesiastical Function, without a particular regard to the Limitations of the Exercise of it by our Laws. Others had endeavoured to give Advice and Counsel in Point of Law, who meddle not with the Obligation of Conscience. And therefore I thought it necessary to joyn both these together, that you might have a clear and distinct View of your Duties in both Respects. For in a matter of positive Institution, where only the General Duties are prescribed in Scripture, and the Bounds of the Exercise of them depend upon the Laws of the Land, I could not see how any Person could satisfie himself in the Discharge of his Duty, without a regard to both. For the Care of Souls in General, is a matter of wonderful Weight and Importance, and can never be sufficiently considered by those who are concerned in it. But no Man among us takes upon him an indefinite Care of Souls, without regard to Persons or Places; for that would produce Confusion and endless Scruples, and*

Perplexities of Conſcience about the Nature and Obligation to particular Duties.

Which cannot be prevented or removed without a right underſtanding the different Reſpect all that have taken our Holy Function upon them, do ſtand in both to the Church in General, and to that particular Cure of Souls which they are admitted to. The beſt way I know to repreſent them, is to conſider the Caſe of Dominion and Property; and how far the Univerſal Obligation of Mankind to promote each others Good, is conſiſtent with the Care of their own and Families Welfare. Adam *had in himſelf the Entire and Original Dominion over all thoſe Things, which after became the Subject of particular Property; when his Poſterity found it neceſſary to make and allow ſeveral Shares and Allotments to diſtinct Families, ſo as they were not to incroach, or break in upon one another. But the Law of Nature did not preſcribe the Way and Method of Partition, but left that to* Occupancy *or* Compact: *And ſo the Heads of Families upon their Settlement in any Countrey, had a twofold Obligation upon them; the firſt was to preſerve the Intereſt of the whole Body, to which they ſtill were bound, and were to ſhew it upon ſuch Occaſions as required it. The next was to take particular Care of thoſe Shares which belonged to themſelves, ſo as to improve them for their Service, and to protect them from the Invaſion of others. And although this Diviſion of Property was not made by any Antecedent Law, yet being once made, and ſo uſeful to Mankind, the Violation of it, by taking that which is anothers Right, is a manifeſt Violation of the Law of Nature.*

I do not think, that the Diſtribution of Eccleſiaſtical Cures, for the greater Benefit of the People, is of ſo ſtrict a Nature; becauſe the Matter of Property doth not extend to this Caſe in ſuch a manner. But ſince an Univerſal Good is carried on by ſuch a Diviſion far better than it could be without it, there is an Obligation lying on all Perſons who regard it, to preſerve that Order which conduces to ſo good an End. And I cannot ſee how any Perſons can better juſtifie the Breach of Parochial Communion as ſuch, than others can juſtifie the altering the Bounds of Mens Rights and Properties, becauſe they apprehend that the common Good may be beſt promoted by returning to the firſt Community of all things.

If our Bleſſed Saviour, *or his* Holy Apoſtles *in the firſt founding of Churches, had determined the Number of Perſons, or fixed the Bounds of Places within which thoſe who were ordained to ſo holy a Function, were to take care of the Souls committed to them, there could have been no Diſpute about it among thoſe who owned their Authority. But their Buſineſs was to lay down the Qualifications of ſuch as were fit to be imployed in it; to ſet before them the Nature of their Duties, and the Account they muſt give of the Diſcharge of them; and to Exhort all ſuch as undertook it to a Watchfulneſs, and Diligence in their Places; but they never go about to limit the Precincts, within which they were to Exerciſe the Duties incumbent upon them.*

When Churches were firſt planted in ſeveral Countries, there could be no ſuch things expected as Parochial Diviſions; *for theſe were the Conſequents of the General ſpreading of* Chriſtianity *among the People. As is evident in the beſt Account we have of the Settlement of the* Parochial Clergy *among us, after* Chriſtianity *was received by the* Saxons. *Which was not done all at once, but by ſeveral Steps and Degrees. It cannot be denied by any, that are converſant in our Hiſtories, that the Nation was gradually converted from* Paganiſm *by the ſucceſsful Endeavours of ſome Biſhops and their Clergy in the ſeveral Parts of* England.

Not by Commiſſion from one Perſon (as is commonly ſuppoſed) but ſeveral Biſhops came from ſeveral Places, and applied themſelves to this Excellent Work, and God gave them conſiderable Succeſs in it. Thus Birinus *did great Service among the* Weſt-Saxons; *and* Felix *the* Burgundian *among the* Eaſt-Saxons; *and the* Northern *Biſhops in the* Midland-Parts, *as well as* Auguſtin *and his Companions in the Kingdom of* Kent. *And in theſe* Midland-Parts, *as* Chriſtianity *increaſed, ſo the* Biſhop's Sees *were multiplied (Five out of One) and placed in the moſt convenient Diſtances for the farther inlarging and eſtabliſhing* Chriſtianity *among the People. The Biſhops were Reſident in their own Sees, and had their Clergy then about them, whom they ſent abroad, as they ſaw cauſe, to thoſe Places where they had the faireſt Hopes of Succeſs. And according thereto they either continued or removed them, having yet no fixed* Cures *or* Titles. *All the firſt* Titles *were no other than being entred in the Biſhop's Regiſter, as of his Clergy, from which Relation none could diſcharge himſelf, without the Biſhop's Conſent. But as yet the Clergy had no Titles to any particular Places, there being no fixed Bounds of Pariſhes, wherein any Perſons were obliged to be Reſident for the better Diſcharge of their Duties. This State of an unfixed and itinerant Clergy was ſoon found to be very inconvenient; and therefore all Incouragement was given, where* Chriſtianity *moſt prevailed, for the building Churches at a convenient Diſtance from the Cathedral, and ſetling a Number of Presbyters together there, which were after called* Collegiate Churches; *and the Great and Devout Men of that Time gave them Liberal Endowments that they might the better attend the Service of God there, and in the Countrey about them.*

But after that the ſeveral Parts grew to be more populous, and Lords of Mannors, for the Conveniency of themſelves and their Tenants, were willing to erect Churches within their Precincts; Laws were then made that they might detain one Share of the Tythes for the Supply of this New Church; the other two remaining due to the Mother-Church. *And I can find nothing like any Allowance for the Lords of Mannors to appropriate the other Two Parts as they thought fit. For thoſe Mannors themſelves were but Parcels of larger Pariſhes; and the Tythes were due from thoſe Eſtates, which were no part of their Mannors, and therefore they had nothing to do with them.*

But after the Norman *Invaſion, the poor* Parochial Clergy *being* Saxons, *and the Nobility and Biſhops* Normans, *they regarded not how much they reduced the Inferiour Clergy, to enrich the Monaſteries belonging to the* Normans, *either at home or abroad. And this I take to be the true Reaſon of the Multitude of* Appropriations *of Two* Thirds of the Tythes *in the* Norman Times, *and too often with the Conſent of the Biſhops, who ought to have ſhewed more Regard to the Intereſt of the* Parochial Clergy *than they generally did.*

But of this I have diſcourſed more at large in one of the following Caſes. P. 277, &c.

In the latter end of the Saxon Times, *if we believe thoſe called the* Confeſſor's Law, *after all the* Daniſh *Devaſtations*, there were Three or Four Churches where there had been but One before. *By which it appears that the* Parochial Clergy *were Numerous before the Conqueſt. And within this* Dioceſs, *in Two* Deanaries *of it, there are to be found in* Doomſday-Book *above Twenty Pariſh-Churches: In the Deanary of* Warwick, *Ten; and in the Deanary of* Kington, *Fifteen: But of the former* Seven *were Appropriated in the* Norman Times; *and of the latter*

Ten; *by which we may see to how low a Condition they then brought the* Parochial Clergy. *One Church in the former Deanary I find built in that time, and that was at* Exhal; *which was before a* Chapel *to* Salford, *but was Erected in the time of* H. 1. *by the Lord of the Mannor and Freeholders, who gave the Glebe and Tythes, as appears by the Confirmation of* Simon, *Bishop of* Worcester. *Many other* Parochial Churches, *I doubt not, were built and endowed after the same manner, although the Records of them are lost. And as Churches were new Erected, the* Parochial Bounds *were fixed, that the People might certainly know whither they were to resort for Divine Worship, who were bound to attend them as part of their Charge, from whose Hands they were to receive the Holy Sacraments; and whose Advice and Counsel they were to take in Matters which related to the Salvation of their Souls. Now here lies the main Difficulty with some People; they cannot think that* Parochial Bounds *are to determine them in what concerns the Good of their Souls; but if they can edifie more by the Parts and Gifts of another, they conclude, that it is their Duty to forsake their own Minister, and go to such a one as they like. I meddle not with extraordinary Occasions of Absence, nor with the Case of* Scandalous Incumbents, *because it is the Peoples Fault if they be not prosecuted, and the Place supplied by better Men. But the Case, as it ought to be put, is, how far a Regard is to be shewed to a Constitution so much for the General Good, as that of* Parochial Communion *is. We do not say, That Mens Consciences are bound by* Perambulations, *or that it is a Sin at any time to go to another Parish; but we say, That a constant fixed* Parochial Communion, *tends more to preserve the Honour of God, and the Religion Established among us, to promote Peace and Unity among Neighbours, and to prevent the Mischief of Separation. And what advances so good Ends, is certainly the best Means of Edification: Which lies not in moving the Fansie, or warming the Passions, but in what brings Men to a due Temper of Mind, and a holy, peaceable, and unblameable Conversation. And as to these Excellent Ends, it is not only your Duty with great Zeal and Diligence to perswade your People to them; but to go before them your selves in the Practice of them. For they will never have any hearty Regard or Esteem for what any one says, if they find him to contradict it in the Course of his Life. Suppose it be the Peoples Fault to shew so little Regard to your Profession; yet you are bound to consider how far you may have given too much Occasion for it, and their Fault can be no Excuse for you, if any of your own were the true Occasion of theirs.*

We live in an Age wherein the Conversations of the Clergy are more observed than their Doctrines. Too many are busie in finding out the Faults of the Clergy, the better to cover their own; and among such Priest-craft *is become the most popular Argument for their Infidelity. If they could once make it appear, that all Religion were nothing but a Cheat and Imposture of some cunning Men for their own Advantage, who believed nothing of it themselves; and that all the business of our Profession was to support such a Fraud in the World for our own Interest, they were very excusable in their most bitter Invectives against such* Priest-craft. *For nothing is more to be abhorred by Men of Ingenuous Minds, and Natural Probity, than to be the Instruments of Deceiving Mankind in so gross a manner. But, thanks be to God, this is very far from being the Case among us; for our Profession is built upon the Belief of God and Providence, the Differences of Good and Evil, and the Rewards and Punishments of another Life. If these Things have no Foundations, we are certain that the best, and wisest, and most disinterested Men in all Ages have been in*

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the same fundamental Mistakes. And it is now somewhat too late for any Persons to set up for Sagacity and true Judgment in these Matters above all those of foregoing Ages. There is a mighty Difference between slight and superficial Reasonings, (although some may be vain enough to cry them up for Oracles*) and those which are built on the Nature of Things, and have born the Test of so many Ages, and remain still in the same Degree of Firmness and Strength, notwithstanding all the Batteries of Profane and Atheistical Wits. For it cannot be denied, that such there have been in former times as well as now; but that makes more for the Advantage of Religion, that our modern Pretenders are fain to borrow from the old Stock; and scarce any thing worth answering hath been said by them, but hath been often said and with more Force by their Masters. And the best Philosophers of this Age have given up the Cause of Atheism as indefensible: So that the Being of God and Providence seems to be established by a General Consent; and if any secretly be of another Mind, they think it not for their Reputation to own it.*

The main Pretence now is against Revealed Religion; *but without offering to shew how so great and considerable a part of* Mankind *as the* Christian Church *hath been made up of came to be so imposed upon, as to a Doctrine which advances Morality to the greatest Height, and gives Mankind the most assured Hopes of a Blessed Immortality, when nothing like Interest and Design as to this World, could be carried on by the first and greatest Promoters of it. But we are told in a late Complaint made abroad by a Friend of our* Deists, *(wherein I am particularly concerned)* That we make Objections for them which are most easy to answer, and pass over their most considerable Difficulties *Which is a very unjust Charge, and cannot be made good but by producing those* considerable Difficulties *which we have taken no notice of. For my part, I know of none such, and* we make no Objections for them, *however we may think it our Duty to lay open the Weakness of them, when we are importuned to do it; which was my Case in the Treatise I suppose he refers to. If they keep their* considerable Difficulties *to themselves, I know not how we should be able to answer them. But it is the common way in a baffled Cause still to pretend that the* main Difficulties *were not produced.*

Histoire des Duvrages des Scavans, Dout, 1697. p. 551.

But this is not a proper Occasion to insist longer on these Matters; my present Business is to answer the Objection which immediately regards the Clergy; and the Sum of it is, That our Profession rather hinders than confirms the belief of Religion, because they would plead for what makes for their Interest, are always suspected to be swayed more by Interest than by Reason. *To give a full and clear Answer to this, we must consider, That however Mankind are apt to be swayed by Interest, yet the Truth and Reason of Things do not at all depend upon them; for a Thing is not true or false in it self, because it makes for or against a Man; and the Measures of judging Truth and Falshood, are quite of another Nature, and so Mens Interests come not into Consideration. So that in this Case they are not to examine whose Turn is served, whether such a thing be true or false; but whether there be sufficient Evidence to convince an impartial Mind of the Truth of it; for let the Reasons be produced by whom they please, the grounds of Conviction are the same. If a Man in a Dispute about Surveying a piece of Land, which he claimed a Right to, should appeal to the Elements of Geometry in his Case, would the Evidence be less because he was concerned in the Land?*

But we proceed farther: Suppoſe it be for the Intereſt of Religion in a Nation, for an Order of Men to be ſet apart on purpoſe to attend the Services of it; and that there ſhould be great Encouragements for their Education, and a Maintenance ſet apart for their Subſiſtence afterwards, that they may not live in dependance on the Humours and uncertain Fancies of the People; how can ſuch a Conſtitution take off from the Credibility of that Religion which they are to ſupport? Was it any leſſening to the Authority of the Law of Moſes, *that the* Tribe of Levi *was ſo plentifully provided for by God's own Appointment? They were* to teach the Law to the People *in the Places where they were diſperſed among the ſeveral Tribes: And ſuppoſe it had been then ſaid, Why ſhould we believe what you ſay, when you live by it? You have Cities, and Lands, and Tythes, and Oblations, and Dignities among you, no wonder you ſet up this Law as Divine and Holy; but we get nothing by it, but part with a ſhare of our Profits to maintain you. What then? Was the Law therefore falſe, and* Moſes *an Impoſtor? Theſe are hard Conſequences, but they naturally follow from ſuch a Suppoſition. And if ſuch an Inference were not reaſonable then, neither will it appear to be ſo now.*

But we do not pretend, that the Parochial Settlement of our Clergy is by ſuch a Divine Law as the Levitical Prieſthood was; but this we do inſiſt upon, That the Chriſtian Religion being owned and eſtabliſhed in the Nation, there was a neceſſary Reaſon from the Nature of it, and the Obligation to preſerve and ſupport it, that there ſhould be an Order of Men ſet apart for that End, that they ſhould inſtruct the People in it, and perform the ſeveral Offices belonging to it; and that a ſufficient Maintenance be allowed them by the Law of the Land to ſupport them in doing their Duties. And I appeal to any Men of Senſe or of common Underſtanding, whether on Suppoſition that our Religion *is true, theſe be not very juſt and reaſonable Things? How then can that make a Religion ſuſpected to be falſe, which are very reaſonable, ſuppoſing it to be true? If it be true, as moſt certainly it is, are not they bound to maintain it to be true? And can it be the leſs ſo, becauſe their Subſiſtence depends upon it? Therefore all the impertinent Talk of* our Profeſſion being a Trade, *can ſignify nothing to any Men that underſtand the Difference between* Scarron *and* Euclid, *or the way of* Burleſquing *and of* Demonſtration.

There is ſtill one common Prejudice to be removed, and that is, That too many of thoſe who preach up our Religion as true, do not live as if they believed it to be ſo. *We are very ſorry there ſhould be any Occaſion given for ſuch a Reproach as this; and we hope there are not ſo many Inſtances of it as ſome would have it believed.* Woe be to thoſe by whom ſuch Offences come. *But ſuppoſing the Inſtances true, is there any Religion in the World, conſidering the Follies and Infirmities of Mankind, which can ſecure all the Profeſſors of it from acting againſt the Rules of it? But if ſuch Inſtances are ſufficiently proved, there ought to be the greater Severity uſed in ſuch Caſes, becauſe Religion it ſelf, as well as the Honour of our Church, ſuffers ſo much by them.*

But it will ſtill be ſaid, That theſe Perſons are ſecret Infidels, and believe nothing of what they profeſs.

This is another Point, how far bad Lives are conſiſtent with ſound Opinions: Some that think that Men act conſiſtently, will not allow that bad Men can be any other than meer Infidels; but others, who conſider the Prevalency of Mens Luſts and Paſſions over their Reaſons, are apt to think, that they may retain their good Opinions, even when they act contrary to them:

them: But then their Consciences fly in their Faces, and they condemn themselves for their evil Actions. And then these very Instances are an Argument against Infidelity; for we may justly presume, that they would shake off their Fears of another World, if they could. But why should some Instances of this Nature signify more against Religion, than the many remarkable Examples of a Godly, Righteous and Sober Life *among the Clergy, to a stronger Confirmation of it? For they have had greater Occasion of searching into all the* considerable Difficulties *about Religion, than others can pretend to; and I do not know any that have imployed most Time and Pains about it, but have had greater Satisfaction as to the* Truth *and* Excellency *of it.*

Thus I have endeavoured to remove the most common Prejudices of our Times against our Profession. It would now be proper for me to give some particular Directions to you, but that is so much the Business of the following Discourses, that I shall refer you to them; and commend you to the Grace and Blessing of Almighty God, that you may so carefully discharge your Duties in this World, that it may advance your Happiness in another. I am

Your Affectionate Friend

and Brother,

Hartlebury C.
Apr. 23. 1698.

EDW. WIGORN.

THE

THE

BISHOP of *WORCESTER's*

CHARGE

TO THE

CLERGY of his DIOCESE;

In his *Primary Visitation*, begun at *Worcester*, *September* 11th, 1690.

My Brethren,

THIS being my *Primary Visitation*, I thought it fitting to acquaint my self with the ancient, as well as modern Practice of *Episcopal Visitations*; and, as near as I could, to observe the Rules prescribed therein, with respect to the Clergy who are now summoned to appear. And I find there were two principal Parts in them, a *Charge* and an *Enquiry*.

Regino *l.* 2. *p.* 205 Hispan. Concil. *p.* 29. Regino Collect. Canon. *l.* 2. *p.* 204. Burchard. *l.* 1. *c.* 91, 92. Gratian 35. *q.* 5. *c.* 7.

The *Charge* was given by the *Bishop* himself, and was called *Admonitio Episcopi*, or *Allocutio*: wherein he informed them of their Duty, and exhorted them to perform it.

The *Enquiry* was made according to certain Articles drawn out of the *Canons*, which were generally the same; according to which the *Juratores Synodi* (as the ancient *Canonists* call them, or *Testes Synodales*) were to give in their *Answers* upon Oath; which was therefore called *Juramentum Synodale*; for the *Bishop's Visitation* was accounted an *Episcopal Synod*.

The former of these is my present business; and I shall take leave to speak my Mind freely to you this first time, concerning several things which I think most useful, and fit to be considered and practised by the Clergy of this *Diocese*.

For since it hath pleased God, by his wise and over-ruling Providence, (without my seeking) to bring me into this Station in his Church, I shall esteem it the best Circumstance of my present Condition, if he please to make me an Instrument of *doing good* among you. To this end, I thought it necessary *in the first place*, most humbly to implore his Divine Assistance, that I might both rightly understand, and conscientiously perform that great Duty which is incumbent upon me; for without his help, all our Thoughts are vain, and our best Purposes will be ineffectual. But God is not wanting to those who sincerely endeavour to know and to do their Duty; and therefore in the *next place* I set my self (as far as my Health and other Occasions would permit) to consider the *Nature* and *Extent* of my Duty, with a Resolution not to be discouraged, although I met with Difficulties in the performance of it. For such is the State and Condition of the World, that no Man

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can design to do good in it, but when that crosses the particular *Interests* and *Inclinations* of others, he must expect to meet with as much Trouble as their unquiet Passions can give him.

If we therefore consulted nothing but our own Ease, the only way were to let People follow their Humours and Inclinations, and to be as little concerned as might be, at what they either say or do. For if we go about to rouze and awaken them, and much more to reprove and reform them, we shall soon find them uneasy and impatient; for few love to hear of their Faults, and fewer to amend them.

But it is the peculiar Honour of *the Christian Religion*, to have an Order of Men set apart, not meerly as *Priests* to offer *Sacrifices*, (for that all Religions have had) but as *Preachers of Righteousness*, to set Good and Evil before the People committed to their Charge; to inform them of their Duties, to reprove them for their Miscarriages, and that not in order to their Shame, but their Reformation; which requires not only *Zeal*, but *Discretion*, and a great Mixture of *Courage* and *Prudence*, that we may neither fail in doing our Duty, nor in the best means of attaining the end of it.

If we could reasonably suppose, that all those who are bound to tell others their Duties, would certainly do their own, there would be less need of any such Office in the Church as that of *Bishops*; who are to inspect and govern, and visit and reform those who are *to watch* over others. But since there may be too great Failings even in these, too great neglect in some, and disorder in others; too great proneness to Faction and Schism, and impatience of Contradiction from mere Equals. Therefore St. *Jerom* himself grants, That to avoid these Mischiefs, there was a necessity of a superiour *Order to Presbyters* in the *Church of God*; *ad quem omnis Ecclesiæ cura pertineret, & Schismatum semina tollerentur*, as he speaks, even where he seems most to lessen the Authority of Bishops. But whatever some Expressions of his may be, (when the *Bishop* of *Jerusalem* and the *Roman Deacons* came into his Head) his Reasons are very much for the Advantage of Episcopal Government. For can any Man say more in point of Reason for it, than *that nothing but Faction and Disorder followed the Government of Presbyters, and therefore the whole Christian Church agreed in the necessity of a higher Order, and that the Peace and Safety of the Church depends upon it; that if it be taken away, nothing but Schisms and Confusions will follow.* I wish those who magnify St. *Jerom*'s *Authority* in *this matter*, would submit to his *Reason* and *Authority* both as to the Necessity and Usefulness of the Order of *Bishops* in the Church.

Hieron. Comment. ad Titum. Epist. ad Evagr.

Adverss. Luciferian

But beyond this, in several places, he makes the *Bishops to be Successors of the Apostles*, as well as the rest of the most eminent Fathers of the Church have done. If the *Apostolical Office*, as far as it concerns the Care and Government of Churches, were not to continue after their Decease, how came the best, the most learned, the nearest to the *Apostolical* Times, to be so wonderfully deceiv'd? For if the Bishops did not succeed by the *Apostles* own Appointment, they must be *Intruders* and *Usurpers* of the Apostolical *Function*; and can we imagine the Church of God would have so universally consented to it? Besides, the Apostles did not die all at once; but there were *Successors* in several of the *Apostolical Churches*, while some of the *Apostles* were living: Can we again imagine those would not have vindicated *the Right* of their own *Order*, and declared to the Church, That *this Office* was pe-

Hieron. in Psal. ad Evagr. ad Marcel. Cyprian Ep. 3. 66. Aug. in Psal. 44. 44. Ambros. ad Eph. 4. 11. 1 Cor. 12. 28. Theod. ad 1 Tim. 1. 3.

culiar to themſelves? The Change of the Name from *Apoſtles* to *Biſhops* would not have been ſufficient Excuſe for them; for the Preſumption had been as great in the Exerciſe of the Power without the Name. So that I can ſee no *Medium*, but that either the Primitive Biſhops did ſucceed the *Apoſtles* by *their own Appointment* and *Approbation*, (which Iren. *l.* 3. *c.* 3. *Irenæus* expreſly affirms, *Qui ab Apoſtolis ipſis inſtituti ſunt Epiſcopi in Eccleſiis*) or elſe thoſe who governed the Apoſtolical Churches after 3 *John* 9, 10. them, out-went *Diotrephes* himſelf; for he only *rejected* thoſe whom the *Apoſtles* ſent, but *theſe* aſſumed to *themſelves* the *Exerciſe* of an *Apoſtolical* Authority over the Churches planted and ſettled by them.

But to let us ſee how far the *Apoſtles* were from thinking that this part of their *Office* was peculiar to themſelves, we find them in their own time, as they ſaw occaſion, to appoint others to take care of the Government of the Churches, within ſuch bounds as they thought fit. 1 *Tim.* 3. 2, 3, &c. Thus *Timothy* was appointed by St. *Paul* at *Epheſus*, to examine the Qualifications of ſuch as were to be ordained; *and not to lay hands* 5. 22. *ſuddenly on any*; *to receive Accuſations*, if there were cauſe, even *againſt* 19. *Elders*; to proceed judicially *before two or three Witneſſes*; and, if there 20. were Reaſon, to give *them a publick Rebuke*. And that this ought not 21. to be *thought* a *ſlight matter*, he preſently adds, *I charge thee before God, and the Lord Jeſus Chriſt, and the elect Angels, that thou obſerve theſe things, without preferring one before another, doing nothing by partiality.* Here is a very ſtrict and ſevere Charge for the impartial Exerciſe of Diſcipline in the Church upon Offenders. And although in the Epiſtle *Titus* 1. 5. to *Titus*, he be only in general required *to ſet in order the things that are wanting, and to ordain Elders in every City, as he had appointed him*; yet we are not to ſuppoſe, that this Power extended not to a *Juriſdiction* over them when he had ordained them. For if any of thoſe whom he ordained (as believing *them* qualified according to the Apoſtles Rules) ſhould afterwards demean themſelves otherwiſe, and be *ſelf-willed*, *froward*, *given to Wine*, *Brawlers*, *Covetous*, or any way ſcandalous to the Church, can we believe that *Titus* was not as well bound to correct them afterwards, as to examine them before? And what was this Power of *Ordination* and *Juriſdiction*, but the very ſame which the *Biſhops* have exerciſed ever ſince the *Apoſtles* Times? But they who go about to *Unbiſhop Timothy* and *Titus*, may as well *Unſcripture the Epiſtles* that were written to them, and make them only ſome *particular* and *occaſional Writings*, as they make *Timothy* and *Titus* to have been only ſome *particular* and *occaſional Officers*. But *the Chriſtian Church* preſerving theſe *Epiſtles*, as of conſtant and perpetual uſe, did thereby ſuppoſe the ſame kind of Office to continue, for the ſake whereof thoſe excellent Epiſtles were written: And we have no greater Aſſurance that theſe *Epiſtles* were written by St. *Paul*, than we have that there were *Biſhops* to ſucceed the *Apoſtles* in the Care and Government of Churches.

Having ſaid thus much to clear the Authority we act by, I now proceed to conſider the *Rules* by which we are to govern our ſelves.

Every *Biſhop* of this Church, in the time of his Conſecration, makes a ſolemn Profeſſion among other things, "That he will not only main-"tain and ſet forward, as much as lies in him, quietneſs, love and "peace among all Men; but that he will correct and puniſh ſuch as be "unquiet, diſobedient, and criminous within his Dioceſe, according to "ſuch Authority as he hath by *God's Word*, and to him ſhall be com-"mitted by the *Ordinance of this Realm*. So

So that we have two *Rules* to proceed by, *viz. The Word of God*; and the *Eccleſiaſtical Law of this Realm.*

(1.) *By the Word of God*; and that requires from us, Diligence, and Care, and Faithfulneſs, and Impartiality, *remembring the Account we muſt give, that we may do it with Joy and not with Grief.* And we are not meerly required to correct and puniſh, but to warn and inſtruct, and exhort the Perſons under our Care, to do thoſe things which tend moſt to the Honour of our holy Religion, and the Church whereof we are Members. And for theſe Ends there are ſome things I ſhall more particularly recommend to you.

(1.) That you would often conſider the ſolemn *Charge* that was given you, and the *Profeſſion* you made of your Reſolution to do your Duty at your *Ordination.*

I find by the *Provincial Conſtitution* of this Church, *that the Biſhops were to have their ſolemn Profeſſion read over to them twice in the Year*, to put them in mind of their Duty. And in the *Legatine Conſtitutions* of *Otho*, (22 *H.* 3.) the ſame Conſtitution is renewed, not meerly by a *Legatine Power*, but by *Conſent* of the *Archbiſhops* and *Biſhops* of both *Provinces*; wherein it is declared, *That Biſhops ought to viſit their Dioceſes at fit times, Correcting and Reforming what was amiſs, and ſowing the Word of Life in the Lord's Field*; and to put them the more in mind of it, *they were twice in the Year to have their ſolemn Profeſſion read to them.* It ſeems then, That *Profeſſion* contained theſe things in it; or elſe the reading that could not ſtir them up to do theſe things. What the *Profeſſion* was which *Presbyters* then made at their Ordination, we have not ſo clear an Account, but in the ſame Council at *Oxford*, 8 *H* 3. it is ſtrictly enjoined, *That all Rectors and Vicars ſhould inſtruct the People committed to their Charge, and Feed them*, Pabulo Verbi Dei, *with the Food of God's Word*; and it is introduced with that Expreſſion, *that they might excite the Parochial Clergy to be more diligent in what was moſt proper for thoſe times.* And if they do it not, they are there called *Canes muti*: and *Lyndwood* beſtows many other hard terms upon them, which I ſhall not mention; but he ſaith afterward, *thoſe who do it not, are but like Idols, which bear the ſimilitude of a Man, but do not the Offices proper to Men.* Nay, he goes ſo far as to ſay, *That the Spiritual Food of God's Word is as neceſſary to the Health of the Soul, as Corporal Food is to the Health of the Body.* Which Words are taken out of a Preface to a *Canon* in the *Decretals de Officio Jud. Ordinarii, inter cætera.* But they ſerve very well to ſhew how much even in the dark times of Popery, they were then convinced of the *Neceſſity* and *Uſefulneſs* of Preaching. Theſe *Conſtitutions* were ſlighted ſo much, that in 9 *Edw.* 1. the Office of *Preaching* was ſunk ſo low, that in a *Provincial Conſtitution* at that time, great Complaint is made *of the Ignorance and Stupidity of the Parochial Clergy, that they rather made the People worſe than better.* But at that time the *Preaching Friars* had got that Work into their Hands by particular Privileges, where it is well obſerved, *That they did not go to Places which moſt needed their help*, but to Cities and Corporations, where they found moſt Incouragement. But what Remedy was found by this Provincial Council? Truly, *every Parochial Prieſt four times a Year was bound to read an Explication of the Creed, Ten Commandments, the two Precepts of Charity, the Seven Works of Mercy, the Seven deadly Sins, the Seven principal Vertues, and the Seven Sacraments.* This was renewed in the *Province* of *York*, (which had

De voto & voti Redemp. Lyndw. *f.* 103. Concil. Angl. vol. 2. *f.* 182. Conſt. Othon. *f.* 292. Concil. Angl. vol. 2. *f.* 227.

Conſtit. Provinc. De Officio Archi-Presbyteri, *f.* 33. Concil. Angl. vol. 1. *p.* 183. Lyndw. *v.* Iatratu, *f.* 33. V. Pabulo V. Dei.

Prov. Conſtit. De Offic. Arch-Presby. *f.* 282. Concil. Angl. vol. 2. *p.* 332.

Concil. Angl. vol. 2. *p.* 700, 707.

distinct *Provincial Constitutions*) in the time of *Edw.* 4. And here was all they were bound to by these Constitutions.

But when *Wickcliff* and his Followers had awakened the People so far, that there was no satisfying them without *Preaching*, then a new *Provincial Constitution* was made under *Arundel*, Archbishop of *Canterbury*; and the former *Constitution* was restrained to *Parochial Priests*, who officiated as *Curates*; but several others were authorized to Preach; as (1.) *The Mendicant Friars* were said to be authorized *Jure communi*, or rather *Privilegio speciali*, (but therefore *Lyndwood* saith, it is said to be *Jure communi*, because that *Privilege is recorded in the Text of the Canon Law*) these were not only allowed to preach in their own Churches, but in *Plateis publicis*, saith *Lyndwood*, out of the Canon Law (wherein those words were expressed) and at any hour, unless it were the time of preaching in other Churches; but other Orders, as *Augustinians* and *Carmelites*, had no such general Licence. Those Preaching Friars were a sort of *Licensed Preachers* at that time, who had no Cures of Souls; but they were then accounted a kind of *Pastors*. For *Jo. de Athon.* distinguisheth two sorts of *Pastors*; Those who had Ecclesiastical Offices, and those who had none, but were such only *Verbo & Exemplo*; but they gave very great disturbance to the Clergy, as the Pope himself confesses in the Canon Law. (2.) *Legal Incumbents* authorized to preach in their own Parishes *Jure scripto*. All Persons who had Cures of Souls, and Legal Titles, were said to be *missi à Jure ad locum & populum curæ suæ*, and therefore might preach to their own People without a *special Licence*; but if any one preached in other parts of the *Diocess*, or were a Stranger in it, then he was to be examined by the *Diocesan*, and if he were found *tam Moribus quam Scientia idoneus*, he might send him to preach to one or more Parishes as he thought meet; and he was to shew his *Licence* to the *Incumbent* of the Place, before he was to be permitted to preach, under *the Episcopal Seal*. And thus, as far as I can find, the Matter stood as to *Preaching*, before the *Reformation*.

Concil. Angl. vol. 2. p. 649. Constit. de hæret. f. 156.

Lyndw. f. 156.

C. Dudum Clem. de Sepulturis.

Jo. de Athon. in Constitut. Othobon. f. 46.

C. Dudum de Sepulturis.

After it, when the Office of *Ordination* was reviewed and brought nearer to the *Primitive Form*; and instead of delivering the *Chalice* and *Patten*, with these Words, *Accipe potestatem offerre Deo Sacrificium*, &c. the Bishop delivered the Bible with these words, *Take thou Authority to Preach the Word of God, and to Minister the Holy Sacraments in the Congregation*, &c. The Priests Exhortation was made agreeable thereto, wherein he exhorts the Persons in the "Name of our Lord Jesus "Christ, to consider the Weight and Importance of the Office and "Charge they are called to; not barely to instruct those who are al- "ready of Christ's Flock, but to endeavour the Salvation of those who "are in the midst of this naughty World. And therefore he perswades "and charges them from a due regard to Christ, who suffered for his "Sheep, and to the Church of Christ, which is so dear to him, to o- "mit no Labour, Care or Diligence in instructing, and reforming "those who are committed to their Charge. And the better to ena- "ble them to perform these things, there are some Duties especially "recommended to them, *viz.* Prayer, and Study of the Holy Scrip- "tures, according to which they are to instruct others, and to order "their own Lives, and of those who belong to them. And that they "might the better attend so great a Work, they are required to forsake "and set aside (as much as they may) all worldly Cares and Studies,

"and

" and apply themſelves wholly to this one thing, that they may ſave " themſelves and them that hear them. After which follows the ſolemn *Profeſſion*, wherein they undertake to do theſe things.

This is that, my Brethren, which I earneſtly deſire of you, that you would often conſider. You are not at liberty now, whether you will do theſe things or not; for you are under a moſt ſolemn Engagement to it. You have put your Hands to the Plough, and it is too late to think of looking back; and you all know the Husbandman's Work is laborious and painful, and continually returning. It is poſſible after all his Pains, the Harveſt may not anſwer his Expectation; but yet if he neither Plows nor Sows, he can expect no Return; if he be idle and careleſs, and puts off the main of his Work to others, can he reaſonably look for the ſame Succeſs? Believe it, all our Pains are little enough to awake the ſleepy and ſecure Sinners, to inſtruct the Ignorant, to reclaim the Vitious, to rebuke the Profane, to convince the Erroneous, to ſatisfie the Doubtful, to confirm the Wavering, to recover the Lapſed, and to be uſeful to all, according to their ſeveral Circumſtances and Conditions. It is not to preach a Sermon or two in a Weeks time to your Pariſhioners, that is the main of your Duty; that is no ſuch difficult Task, if Men apply their minds as they ought to do to Divine Matters, and do not ſpend their Retirements in uſeleſs Studies; but the great Difficulty lies in Watching over your Flock, *i. e.* knowing their Condition, and applying your ſelves ſuitably to them. He that is a Stranger to his Flock, and only viſits them now and then, can never be ſaid *to watch over it*; he may watch over the *Fleeces*, but he underſtands little of the State of his Flock, *viz.* of the Diſtempers they are under, and the Remedies proper for them.

Non poteſt eſſe Paſtoris excuſatio, ſi lupus oves comedit, & Paſtor neſcit. *Extr. de Reg. Juris* c. 10.

The *Caſuiſts* ſay, *That the Reaſon why there is no Command for Perſonal Reſidence in Scripture, is, becauſe the Nature of the Duty requires it*; for if a Perſon be required to do ſuch things which cannot be done without it, *Reſidence* is implied. As a Pilot to a Ship, needs no Command to be in his Ship; for how can he do the Office of a Pilot out of it? Let none think to excuſe themſelves by ſaying, *that our Church only takes them for Curates, and that the Biſhops have the Paſtoral Charge*; for by our old *Provincial Conſtitutions* (which are ſtill in force ſo far as they are not repugnant to the Law of the Land) even thoſe who have the ſmalleſt Cures are called *Paſtors*; and *Lyndwood* there notes, that *Parochialis Sacerdos dicitur Paſtor*; and that not merely by way of Alluſion, but in reſpect of the Cure of Souls. But we need not go ſo far back. For what is it they are admitted to? Is it not *ad curam Animarum?* Did not they promiſe in their Ordination, *To teach the People committed to their Care and Charge?*

Reginald. Praxis, *l.* 30. *tr.* 3. *c.* 5. *p.* 52.

Conſtit. Provinc. de Clericis non Reſid. *c.* quam hoſtis.

The Caſuiſts diſtinguiſh a three-fold Cure of Souls. 1. *In foro interiori tantum*, and this they ſay is the *Parochial Cure.* 2. *In foro exteriori tantum*, where there is Authority to perform Miniſterial Acts, as to ſuſpend, excommunicate, abſolve, (*ſine Paſtorali Curâ*:) and this *Archdeacons* have by Virtue of their Office. 3. *In utroque ſimul*, where there is a ſpecial Care, together with Juriſdiction: this is the Biſhops'. And every one of theſe, ſay they, *ſecundum commune Jus Canonicum*, is obliged to Reſidence, *i. e.* by the *common Law Eccleſiaſtical*; of which more afterwards. The Obligation is to perpetual Reſidence, but as it is in other poſitive Duties, there may other Duties intervene, which may take away the preſent force of it; as care of Health, neceſſary Buſineſs, publick

lick Service of the King or Church, *&c.* But then we are to obſerve, that no Diſpenſation can juſtifie a Man in point of Conſcience, unleſs there be *a ſufficient Cauſe*; and no Cuſtom can be ſufficient againſt the natural Equity of the Caſe, whereby every one is bound from the Nature of the Office he hath undertaken.

Joh. Athon. ad Conſtit. Othon. *f.* 14. Reginald. *ib. n.* 53.

I confeſs the caſe in Reaſon is different, where there is a ſufficient Proviſion by another fit Perſon, and approved by thoſe who are to take care that Places be well ſupplied, and where there is not; but yet, this doth not take off the force of the *Perſonal Obligation*, ariſing from undertaking the Cure themſelves, which the Eccleſiaſtical Law underſtands to be, not meerly by Promiſe, but *cum effectu*, as the Canoniſts ſpeak; which implies perſonal Reſidence. Not that they are never to be away; *Non ſic amarè intelligi debet, ut nunquam inde recedat*, ſaith *Lyndwood*; but theſe Words are to be underſtood *civili modo*, as he expreſſes it, *i. e.* not without great Reaſon. There muſt not be, ſaith he, *callida Interpretatio, ſed talis ut ceſſent fraudes & negligentiæ*, i. e. There muſt be no Art uſed to evade the Law, nor any groſs Neglect of it. It's true, the Canoniſts have diſtinguiſhed between *Rectories* and *Vicarages*, as to *Perſonal Reſidence*; but we are to conſider theſe things.

Can. Relatum Ex. de Clericis non Reſid. Lyndw. in c. quum hoſtes Reſideant cum effectu. Joh de Athon. in Conſtit. Othon. *f.* 14. Continui.

1. The *Canon Law* ſtrictly obliges every one that hath a *Parochial Cure* to *perpetual Reſidence*, and excepts only two Caſes, when the Living is annexed to a Prebend or Dignity; and then he who hath it, is to have a perpetual Vicar inſtituted, with a ſufficient Maintenance. 2. After this Liberty obtained for dignified Perſons to have *Vicars* endowed in their Places, the Point of *Reſidence* was ſtrictly enjoined to them: and we find in the Provincial Conſtitutions a Difference made between *Perſonatus* and *Vicaria*; but this was ſtill meant of a *Vicarage endowed.* This was in the time of *Stephen Langton*, Archbiſhop of *Canterbury*; and in another *Conſtitution* he required an Oath of *Perſonal Reſidence* from all ſuch *Vicars*, altho' the Place were not above the Value of Five Marks; which as appears by *Lyndwood* elſewhere, was then *ſufficient for Maintenance and Hoſpitality.* And to cover the ſhameful *Diſpenſations* that were commonly granted to the higher *Clergy*, under pretence of the *Papal Power*; the poor *Vicars* by a Conſtitution of *Otho*, were bound to take a ſtrict Oath of *continual Reſidence*; and without it their Inſtitution was declared to be Null. But even in that Caſe the Gloſs there ſaith, *That they may be ſome time abſent for the Benefit of the Church or State*; but not for their own particular Advantage. 3. The Obligation in point of Conſcience remains the ſame, but *diſpenſing with Laws* may take away the *Penalty of Non-reſidence* in ſome caſes. *Joh. de Athon.* Canon of *Lincoln*, who wrote the *Gloſſes* on the *Legatine Conſtitutions*, doth not deny, but that *Rectors* are as well bound to *Reſidence* as *Vicars*; but theſe are moſt ſtrictly tied by their Oath; and becauſe a Vicar cannot appoint a Vicar, but a *Parſon* may. And altho' that Name among ſome be uſed as a Term of Reproach, yet in former Ages *Perſonatus* and *Dignitas* were the ſame thing; and ſo uſed here in *England* in the time of *Henry* II. but afterwards it came to be applied to him that had the *Poſſeſſion* of a *Parochial Benefice* in his own *immediate Right*; and was therefore bound to take care of it. For the Obligation muſt in Reaſon be ſuppoſed to go along with the Advantage; however Local Statutes may have taken off the Penalty.

De Præſump *f.* 552. De Clericis non Reſident. cum hoſtis, *&c.* Lyndw. *f.* 34. Joh. de Athon. in Conſtit. Othon. *f.* 12. Otho. de Inſtit. Vic. *f.* 14. Othobon. *f.* 46. Joh. de Athon. in Conſtit. Othon. Can. Quia nonnulli de Clericis non Reſid. Quadril. 1. 1. c. 5.

II. When you have thus conſidered the Obligation which lies upon you, to take Care of your Flock, let me in the next place recommend

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to you a plain, uſeful, and practical way of *Preaching* among them. I mean ſuch as is moſt likely to do good upon them, (which certainly ought to be the juſt Meaſure of Preaching.) I do not mean therefore a looſe and careleſs way of Talking in the Pulpit, which will neither profit you, nor thoſe that hear you. He that once gets an ill Habit of ſpeaking *extempore*, will be tempted to continue it by the Eaſineſs of it to himſelf, and the Plauſibleneſs of it to leſs judicious People. There is on the other ſide, a Cloſeneſs and Strength of Reaſoning, which is too elaborate for common Underſtandings; and there is an affected Fineneſs of Expreſſion, which by no means becomes the Pulpit; but it ſeems to be like ſtroaking the Conſciences of People by Feathers dipt in Oil. And there is a way of putting *Scripture-Phraſes* together without the Senſe of them, which thoſe are the moſt apt to admire, who underſtand them leaſt: But for thoſe who have not improved their Minds by Education, the plaineſt way is certainly the beſt and hardeſt, provided it be not flat, and dry, and incoherent, or deſultory, going from one thing to another, without purſuing any particular point home to Practice, and applying it to the Conſciences of the Hearers. And give me leave to tell you, That meer general Diſcourſes have commonly little Effect on the Peoples Minds; if any thing moves them, it is *particular Application* as to ſuch things which their Conſciences are concerned in.

And here I muſt recommend to you the purſuing the Deſign of his *Majeſty's Letter*, which hath been ſome time ſince communicated to you; by it you are required to preach at ſome times on thoſe particular Vices which you obſerve to be moſt prevalent in the Places you relate to; ſuch as *Drunkenneſs*, *Whoredom*, *Swearing*, *Profaning the Lord's Day*, &c. If ever we hope to reform them, you muſt throughly convince them, that what they do is diſpleaſing to God.

And there are two ſorts of Men you are to deal with.

1. Profane Scoffers at Religion. Theſe ſeldom trouble you; but if any good be to be done upon them, it is by plain and evident Proofs of the Good and Evil of Moral Actions. For as long as they think them indifferent, they will never regard what you ſay, as to the Rewards or Puniſhments of them.

2. Stupid and ſenſeleſs People, whoſe Minds are wholly ſunk into the Affairs of the World, *buying, and ſelling, and getting Gain*. It is a very hard thing to get a Thought into them about theſe Matters. And whatever you talk of meer Religion and another Life, is like *Metaphyſicks* to them; they underſtand you not, and take no care to do it: But if you can convince them, that they live in the Practice of great Sins, which they ſhall certainly ſuffer for, if they do not repent, they may poſſibly be awakened that way; if not, nothing but immediate Grace can work upon them, which muſt work on the Will, whatever becomes of the Underſtanding.

III. After Preaching, let me intreat you to look after *Catechizing* and inſtructing the Youth of your Pariſhes. He that would reform the World to purpoſe, muſt begin with the Youth, and train them up betimes in the Ways of Religion and Vertue. There is far leſs probability of prevailing on thoſe who have accuſtomed themſelves to vicious Habits, and are hardened in their Wickedneſs. It ſeems ſtrange to ſome, that conſidering the ſhortneſs of human Life, Mankind ſhould be ſo long before they come to Maturity; the beſt Account I know

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of it is, that there is so much longer time for the Care of their Education, to instil the Principles of Vertue and Religion into them, thereby to soften the Fierceness, to direct the Weakness, to govern the Inclinations of Mankind. It is truly a sad Consideration, that Christian Parents are so little sensible of their Duties, as to the Education of their Children, when those who have had only natural Reason to direct them. have laid so much Weight upon it. *Without it, Plato* saith, *that Mankind grew the most unruly of all Creatures.* Aristotle, *That as by Nature they are capable of being the best, so being neglected, they become the worst of Animals*, i. e. *when they are brought up without Vertue. Education and Vertue*, saith he, *is a great thing; yea, it is all in all, and without it they will be much worse than Beasts.* The main Care of the Education of Children must lie upon Parents; but yet Ministers ought not only to put them in mind of their Duty, but to assist them all they can, and by publick Catechizing, frequently to instruct both those who have not learned, and those who are ashamed to learn any other way. And you must use the best means you can to bring them into an Esteem of it; which is by letting them see, that you do it, not meerly because you are required to do it, but because it is a thing so useful and beneficial to them and to their Children. There is a great deal of difference between Peoples being able to talk over a Set of *Phrases*, about Religious Matters, and understanding the true Grounds of Religion, which are easiest learned and understood, and remembred in the short Catechetical way. But I am truly sorry to hear, that where the *Clergy* are willing to take pains this way, the People are unwilling to send their Children. They would not be unwilling to hear them instructed, as early as might be, in the way to get an Estate, but would be very thankful to those who would do them such a Kindness; and therefore it is really a Contempt of God and Religion, and another World, which makes them so backward to have their Children taught the way to it. And methinks those, who have any Zeal for the *Reformation*, should love and pursue that which came into *Request* with it. Indeed the Church of *Rome* it self hath been made so sensible of the Necessity of it, that even the Council of *Trent* doth not only require *Catechizing Children*, but the *Bishops* to proceed with *Ecclesiastical Censures* against those who neglect it. But in the old *Provincial Constitutions*, I can find but one *Injunction* about *Catechizing*; and that is *when the Priest doubts whether the Children were baptized or not; and if they be born eight days before* Easter *and* Whitsontide, *they are not to be baptized till those days, and in the mean time they are to receive Catechism.* What is this *receiving Catechism* by Children, before they are eight days old? It is well Exorcism is joined with it; and so we are to understand by it the Interrogatories in Baptism: and *Lyndwood* saith, the *Catechism* is not only required for *Instruction in Faith*, but *propter sponsionem*, when the God-father answers, *De Fidei Observantiâ.*

Plato de Leg. *l.* 6. Arist. Polit. *l.*1.*c.*2.

Nicom. *l.* 2. *c.* 1. 7. *c.* 7.

Sess. 24. de Reform. *c.* 4.

Lyndw. Prov. Const. *f.*134, 135. Concil. Angl. 2. *Vol.* 324, 330.

It is true, the *Canon Law* requires in adult Persons *Catechizing before Baptism*; but I find nothing of the *Catechizing Children* after it; and no wonder, since *Lyndwood* saith, *the Laity are bound to no more, than to believe as the Church believes; nor the Clergy neither, unless they can bear the Charges of studying, and have Masters to instruct them.* This was good Doctrine, when the Design was to keep People in Ignorance. For Learning is an irreconcilable Enemy to the Fundamental Policy of the *Roman* Church; and it was that which brought in the Reformation, since

De Consecr. *Dist.* 4. *c.*54, 57. Lynd. *f.*1. 11. Sciat. Si enim habeant expensas & magistros, peccarent, n si plus sciant quam Laici

ſince which a juſt Care hath ſtill been required for the Inſtruction of Youth; and the fifty ninth Canon of our Church is very ſtrict in it, which I deſire you often to conſider, with the firſt Rubrick after the Catechiſm, and to act accordingly.

IV. After *Catechizing*, I recommend to you the due Care of bringing the Children of your Pariſhes to *Confirmation*. Which would be of excellent uſe in the Church, if the ſeveral Miniſters would take that pains about it which they ought to do. Remember that you are required *to bring or ſend in Writing, with your Names ſubſcribed, the Names of all ſuch Perſons in your Pariſh, as you ſhall think fit to be preſented to the Biſhop to be confirmed.* If you take no care about it, and ſuffer them to come unprepared for ſo great, ſo ſolemn a thing, *as renewing the Promiſe and Vow made in Baptiſm*, can you think your ſelves free from any Guilt in it? In the Church of *Rome* indeed great care was taken to haſten Confirmation of Children all they could: *Poſt Baptiſmum quam citius poterint*, as it is in our *Conſtitution Provincial*; in another *Synodical, the Parochial Prieſts are charged to tell their Pariſhioners, that they ought to get their Children confirmed as ſoon as they can.* In a *Synod* at *Worceſter*, under *Walter de Cantilupo*, in the time of *Henry* III. the Sacrament of *Confirmation* is declared neceſſary for *Strength againſt the Power of Darkneſs*, and therefore it was called *Sacramentum Pugnantium*: And no wonder then that the *Parochial Prieſts* ſhould be called upon ſo earneſtly to bring the Children to *Confirmation*; and the Parents were to be forbidden to enter into the Church, if they neglected it for a *Year* after the Birth of the Child, if they had opportunity. The *Synod* of *Exeter* allowed two *Years*; and then if they were not confirmed, the Parents were *to faſt every* Friday, *with Bread and Water, till it were done.* And to the ſame purpoſe, the *Synod* of *Wincheſter*, in the time of *Edw.* I. in the *Conſtitutions* of *Richard* Biſhop of *Sarum*, two *Years* were allowed; but that time was afterwards thought too long; and then the Prieſt as well as the Parents was to be ſuſpended from Entrance into the Church. But what preparation was required? None that I can find: But great Care is taken about the *Fillets to bind their Heads to receive the Unction, and the taking them off at the Font, and burning them, leſt they ſhould be uſed for Witchcraft*, as *Lyndwood* informs us. But we have no ſuch Cuſtoms, nor any of the Reformed Churches: We depend not upon the *Opus operatum*, but ſuppoſe a due and ſerious preparation of Mind neceſſary, and a ſolemn Performance of it. I hope, by God's Aſſiſtance, to be able in time to bring the Performance of this Office into a better Method; in the mean time I ſhall not fail doing my Duty, have you a care you do not fail in yours.

Provinc. Conſtit. De Sacra. Unct. *f.* 18. Concil. Angl. 2 *Vol. p.* 353. Ib. *p.* 140. 165. *P.* 353. *P.* 440. *P.* 143. Lynd. *f.* 19.

V. As to the *Publick Offices* of the *Church*, I do not only recommend to you a due Care of the *Diligent*, but of the *Devout* Performance of them. I have often wondered how a fixed and ſtated Liturgy for general Uſe, ſhould become a matter of Scruple and Diſpute among any in a Chriſtian Church, unleſs there be ſomething in Chriſtianity which makes it unlawful to pray together for things which we all underſtand beforehand to be the Subject of our Prayers. If our common Neceſſities and Duties are the ſame; if we have the ſame Bleſſings to pray, and to thank God for in our ſolemn Devotions, why ſhould any think it unlawful or unfitting to uſe the ſame Expreſſions? Is God pleaſed with the Change of our Words and Phraſes? Can we imagine the Ho-

ly Spirit is given to dictate new Expreſſions in Prayers? Then they muſt pray by immediate Inſpiration, (which I think they will not pretend to, leſt all the Miſtakes and Incongruities of ſuch Prayers be imputed to the Holy Ghoſt) but if not, then they are left to their own Conceptions, and the Spirit's Aſſiſtance is only in the exciting the Affections and Motions of the Soul towards the things prayed for; and if this be allowed, it is impoſſible to give a Reaſon why the Spirit of God may not as well excite thoſe inward Deſires, when the Words are the ſame as when they are different. And we are certain, that from the Apoſtles times downwards, no one Church or Society of Chriſtians can be produced, who held it unlawful to pray by a Set-Form. On the other ſide, we have very early Proofs of ſome common Forms of Prayer, which were generally uſed in the Chriſtian Churches, and were the Foundations of thoſe *ancient Liturgies*, which, by degrees, were much enlarged. And the Interpolations of later times do no more overthrow the Antiquity of the Groundwork of them, than the large Additions to a Building do prove there was no Houſe before. It is an eaſy matter to ſay, that ſuch Liturgies could not be St. *James*'s or St. *Mark*'s, becauſe of ſuch Errors and Miſtakes, and Interpolations of Things and Phraſes of later times; but what then? Is this an Argument there were no ancient Liturgies in the Churches of *Jeruſalem* and *Alexandria*, when ſo long ſince, as in *Origen*'s time, we find an entire Collect produced by him out of the *Alexandrian* Liturgy? And the like may be ſhewed as to other Churches, which by degrees came to have their Liturgies much enlarged by the devout Prayers of ſome extraordinary Men; ſuch as St. *Baſil* and St. *Chryſoſtom* in the Eaſtern Churches.

Orig. in Jer. Hom. 14. *p.* 14. *Ed. Huet.*

But my Deſign is not to vindicate our uſe of an excellent Liturgy, but to put you upon the uſing it in ſuch a manner, as may moſt recommend it to the People; I mean with that Gravity, Seriouſneſs, Attention and Devotion, which becomes ſo ſolemn a Duty as Prayer to God is. It will give too juſt a cauſe of Prejudice to our Prayers, if the People obſerve you to be careleſs and negligent about them; or to run them over with ſo great haſt, as if you minded nothing ſo much as to get to the end of them. If you mind them ſo little your ſelves, they will think themſelves excuſed if they mind them leſs. I could heartily wiſh that in greater Places, eſpecially in ſuch Towns where there are People more at liberty, the conſtant Morning and Evening Prayers were duly and devoutly read, as it is already done with good Succeſs in *London*, and ſome other Cities. By this means Religion will gain ground, when the publick Offices are daily performed; and the People will be more acquainted with Scripture, in hearing the Leſſons; and have a better eſteem of the Prayers, when they become their daily Service, which they offer up to God as their Morning and Evening Sacrifice; and the Deſign of our Church will be beſt anſwered, which appoints *the Order for Morning and Evening Prayer daily to be ſaid and uſed throughout the Year.*

VI. As to the *Diſſenters* from the Church; the preſent Circumſtances of our Affairs require a more than ordinary *Prudence* in your Behaviour towards them. It is to no purpoſe to provoke or exaſperate them, ſince they will be but ſo much more your Enemies for it; and if you ſeem to court them too much, they will interpret your Kindneſs to be a liking their Way better than your own; ſo that were it not

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for ſome Worldly Intereſt, you would be juſt what they are; which is in effect to ſay, you would be Men of Conſcience, if ye had a little more Honeſty. For they can never think thoſe honeſt Men, who comply with things againſt their Conſciences, only for their temporal Advantage; but they may like them as Men of a Party, who under ſome ſpecious Colours, promote their Intereſt. For my own part, as I do ſincerely value and eſteem the Church of *England* (and I hope ever ſhall) ſo I am not againſt ſuch a due temper towards them, as is conſiſtent with the preſerving the Conſtitution of our Church. But if any think, under a pretence of Liberty, to undermine and deſtroy it, we have Reaſon to take the beſt care we can, in order to its preſervation. I do not mean by oppoſing Laws, or affronting Authority, but by countermining them in the beſt way, *i. e.* by out-doing them in thoſe things which make them moſt popular, if they are conſiſtent with Integrity and a good Conſcience. If they gain upon the People by an Appearance of more than ordinary Zeal for the good of Souls, I would have you to go beyond them in a true and hearty Concernment for them; not in irregular Heats and Paſſions, but in the *Meekneſs of Wiſdom*, in a calm and ſedate Temper; in doing good even to them who moſt deſpitefully reproach you, and withdraw themſelves and the People from you. If they get an Intereſt among them by Induſtry, and going from Place to Place, and Family to Family; I hope you will think it your Duty to converſe more freely and familiarly with your own People. Be not *Strangers*, and you will make them *Friends*. Let them ſee by your particular Application to them, that you do not deſpiſe them. For Men love to value thoſe who ſeem to value them; and if you once ſlight them, you run the hazard of making them your Enemies. It is ſome Trial of a Chriſtians *Patience*, as well as *Humility*, to condeſcend to the Weakneſſes of others; but where it is our Duty, we muſt do it, and that chearfully, in order to the beſt End, *viz.* doing the more good upon them. And all Condeſcenſion and Kindneſs for ſuch an End, is true *Wiſdom* as well as *Humility*. I am afraid Diſtance and too great Stiffneſs of Behaviour towards them, have made ſome more our Enemies than they would have been. I hope they are now convinced, that the Perſecution which they complained lately ſo much of, was carried on by other Men, and for other Deſigns than they would then ſeem to believe. But that Perſecution was then a popular Argument for them; for the complaining ſide hath always the moſt Pity. But now that is taken off, you may deal with them on more equal Terms. Now there is nothing to affright them, and we think we have Reaſon enough on our ſide to perſwade them. The Caſe of Separation ſtands juſt as it did in Point of Conſcience, which is not now one jot more reaſonable or juſt than it was before. Some think Severity makes Men conſider; but I am afraid it heats them too much, and makes them too violent and refractary. You have more reaſon to fear now, what the Intereſt of a Party will do, than any Strength of Argument. How very few among them underſtand any Reaſon at all for their Separation! But Education, Prejudice, Authority of their Teachers ſway them; remove theſe, and you convince them. And in order thereto, acquaint your ſelves with them, endeavour to oblige them, let them ſee you have no other Deſign upon them, but to do them good; if any thing will gain upon them, this will.

But if after all, they grow more headstrong and insolent by the Indulgence which the Law gives them; then observe, whether they observe those Conditions on which the Law gives it to them. For these are known Rules in Law, *That he forfeits his Privilege who goes beyond the Bounds of it*; *That no Privileges are to be extended beyond the Bounds which the Laws give them*; *for they ought to be observed as they are given.* I leave it to be considered, whether all such who do not observe the Conditions of the Indulgence, be not as liable to the Law, as if they had none.

11 Q. 3. c. 63. Lyndw. ad L. de Pœnis. f. 161. Extr. de Priv. c. Porro in Gloss.

But there is a very profane Abuse of this Liberty among some, as though it were an Indulgence not to serve God at all. Such as these, as they were never intended by the Law, so they ought to enjoy no Benefit by it: For this were to countenance Profaneness and Irreligion, which I am afraid, will grow too much upon us, unless some effectual Care be taken to suppress it.

VII. There is another Duty incumbent upon you, which I must particularly recommend to your Care, and that is, of *Visiting the Sick.* I do not mean barely to perform the Office prescribed, which is of very good Use, and ought not to be neglected; but a particular Application of your selves to the State and Condition of the Persons you visit. It is no hard matter to run over some Prayers, and so take leave; but this doth not come up to the Design of our Church in that Office. For after the general Exhortation and Profession of the Christian Faith, our Church requires, That *the sick Person be moved to make special Confession of his Sins, if he feel his Conscience troubled with any weighty matter*; and then, *if the sick Person humbly and heartily desires it*, he is to be *absolved* after this manner, *Our Lord Jesus Christ, who hath left Power in his Church to absolve all Sinners who truly repent and believe in him*, &c. Where the Power of Absolution is grounded upon the Supposition of true Faith and Repentance; and therefore when it is said afterwards, *And by his Authority committed to me, I absolve thee from the same*, &c. It must proceed on the same Supposition. For the Church cannot absolve when God doth not. So that all the real Comfort of the Absolution depends upon the Satisfaction of the Person's Mind, as to the Sincerity of his Repentance and Faith in Christ. Now here lies the great Difficulty of this Office; how to give your selves and the wounded Conscience satisfaction, as to the sincerity of those Acts; I do not mean as to the sincerity of his present Thoughts, but as to the Acceptableness of his Faith and Repentance with God, in order to Remission of Sins. But what if you find the Persons so ignorant, as not to understand what Faith and Repentance mean? What if they have led such careless and secure lives in this World, as hardly ever to have had one serious Thought of another? Is nothing to be done but to come and pray by them, and so dismiss them into their Eternal State? Is this all the good you can, or are bound to do them? I confess it is a very uncomfortable thing to tell Men how they are to begin to live, when they are liker to die than to live (and the People generally have a strange superstitious Fear of sending for the Minister, while there is any hope of Recovery.) But at last you are sent for; and what a melancholy Work are you then to go about? You are, it may be, to make a Man sensible of his Sins, who never before considered what they were, or against whom they were committed, or what eternal Misery he deserves by committing them. But I will suppose the best I can in this Case, *viz.* That by your warm and

and ſerious Diſcourſe, you throughly awaken the Conſcience of a long and habitual Sinner; what are you then to do? Will you preſently apply all the Promiſes of Grace and Salvation to one whoſe Conſcience is awakened only with the Fears of Death, and the Terrors of a Day of Judgment? This, I confeſs, is a hard Caſe; on the one ſide, we muſt not diſcourage good Beginnings in any; we muſt not caſt an awakened Sinner into Deſpair; we muſt not limit the infinite Mercy of God: But on the other ſide, we muſt have a great care of incouraging preſumptuous Sinners to put off their Repentance to the laſt, becauſe then upon Confeſſion of their Sins, they can ſo eaſily obtain the Churches Abſolution; which goes no farther, than *truly Repenting and Believing*. But here is the difficulty, how we can ſatisfie our ſelves that theſe do *truly Repent and Believe*, who are out of a Capacity of giving Proof of their Sincerity by Amendment of Life? I do not queſtion the Sincerity of their preſent Purpoſes; but how often do we find thoſe to come to nothing, when they recover and fall into the former Temptations? How then ſhall they know their own Sincerity till it be tried? How can it be tried, when they are going out of the State of Trial? The moſt we can do, is to encourage them to do the beſt they can in their preſent Condition, and to ſhew as many of the Fruits of true Repentance as their Circumſtances will allow; and with the greateſt Humility of Mind, and moſt earneſt Supplications to implore the infinite Mercy of God to their Souls. But beſides theſe, there are many Caſes of ſick Perſons, which require very particular Advice, and ſpiritual Direction, which you ought to be able to give them, and it cannot be done without ſome good Meaſure of Skill and Experience in caſuiſtical Divinity. As, How to ſatisfie a doubting Conſcience, as to its own Sincerity, when ſo many Infirmities are mixed with our beſt Actions? How a Sinner who hath relapſed after Repentance, can be ſatisfied of the Truth of his Repentance, when he doth not know, but he may farther relapſe upon freſh Temptations? How he ſhall know what Failings are conſiſtent with the State of Grace, and the Hopes of Heaven, and what not? What Meaſure of Conviction and Power of Reſiſtance is neceſſary to make Sins to be wilful and preſumptuous? What the juſt Meaſures of Reſtitution are in order to true Repentance, in all ſuch Injuries which are capable of it? I might name many others, but theſe I only mention to ſhew how neceſſary it is for you to apply your ſelves to *Moral* and *Caſuiſtical Divinity*, and not to content your ſelves barely with the Knowledge of what is called *Poſitive* and *Controverſial*: I am afraid there are too many who think they need to look after no more than what qualifies them for the Pulpit; (and I wiſh all did take ſufficient care of that) but if we would do our Duty as we ought, we muſt inquire into, and be able to reſolve Caſes of Conſcience. For *the Prieſt's Lips ſhould keep* this kind of *Knowledge*; *and the People ſhould ſeek the Law at his Mouth*; *for he is the Meſſenger of the Lord of Hoſts*, Mal. 2. 7. If this held in the Levitical Prieſthood, much more certainly under the Goſpel, where the Rates and Meaſures of our Duties are not to be determined by Levitical Precepts, but by the general Reaſon and Nature of Moral Actions.

VIII. Among the Duties of *Publick Worſhip*, I muſt put you in mind of a *frequent Celebration of the Lord's Supper*. There is generally too great a Neglect of this, which is the moſt proper part of *Evangelical Worſhip*. The Duties of *Prayers and Praiſes*, are excellent and becoming

ing Duties, as we are Creatures with reſpect to our Maker and Preſerver. The Duty of hearing the Word of God read and explained, is conſequent upon our owning it to be the Rule of our Faith and Manners; and all who deſire to underſtand and practiſe their Duty, can never deſpiſe or neglect it. But that ſolemn Act of Worſhip wherein we do moſt ſhew our ſelves Chriſtians, is the celebrating the *Holy Euchariſt*. For, therein we own and declare *the infinite Love of God in ſending his Son into the World to die for Sinners, in order to their Salvation; and that this is not only a true Saying, but worthy of all Men to be credited.* Therein, *we liſt up our Hearts, and give Thanks to our Lord God; we joyn with Angels and Archangels in lauding and magnifying his glorious Name.* Therein, we not only commemorate the Death and Sufferings of our Lord, but are made Partakers of his Body and Blood, after a Real, but Sacramental Manner. Therein *we offer up our ſelves to God, to be a Reaſonable, Holy and Lively Sacrifice unto him.* Therein we Adore and Glorifie the ever Bleſſed Trinity; and humbly implore the Grace and Aſſiſtance of our ever Bleſſed Mediator. And what now is there in all this, which is not very agreeable to the Faith, Hope and Charity of Chriſtians? Nay, what Duty is there, which ſo much expreſſes all theſe together, as this doth? Nor, whereby we may more reaſonably expect greater Supplies of Divine Grace to be beſtowed upon us? What then makes ſo many to be ſo backward in this Duty, which profeſs a Zeal and Forwardneſs in many others? If we had that Warmth and Fervor of Devotion, that Love to Chriſt, and to each other, which the Primitive Chriſtians had, we ſhould make it as conſtant a part of our publick Worſhip, as they did; but this is not to be expected. Neither did it always continue in the Primitive Church, when Liberty, and Eaſe, and worldly Temptations made Perſons grow more remiſs and careleſs in the ſolemn Duties of their Religion.

In Hebr. Hom. 17. In Epheſ. Hom. 3.

St. *Chryſoſtom* takes notice in his time of the different Behaviour of Perſons, with reſpect to the Holy Euchariſt. There were ſome who pretended to greater Holineſs and Auſterity of Life than others, who withdrew from the common Converſation of Mankind, and ſo by degrees from joining in the Acts of publick Worſhip with them. Which did unſpeakable Miſchief to Chriſtianity; for then the Perfection of the Chriſtian Life, was not ſuppoſed to conſiſt in the active Part of it, but in Retirement and Contemplation. As tho' our higheſt Imitation of Chriſt lay in *following him into the Wilderneſs to be tempted of the Devil; and not in walking as he walked,* who frequented *the Synagogues, and went about doing good.*

But this way of Retirement happening to be admired by ſome great Men, the Publick Worſhip came to be in leſs eſteem; and others upon Reaſons of a different Nature, withdrew themſelves from ſuch Acts of Devotion as required a ſtricter Attendance, and a more prepared Temper of Mind. And there were ſome who did abſtain, becauſe they were not ſo well ſatisfied with themſelves as to their own Preparations; and ſuch as theſe St. *Chryſoſtom* ſeems to favour, rather than ſuch who came often without due care, as to the whole Courſe of their Lives; only out of cuſtom, or out of regard to the Orders of the Church. From hence many thought it better to forbear, as long as they did it not out of Contempt. And ſo by degrees the People were content to look on it as a Sacrifice for them to be performed by others, rather than as an Office, wherein they were to bear a part themſelves; at leaſt, they thought

thought once or thrice a Year ſufficient for them. And to this, as, appears by our old *Provincial Conſtitutions*, they were forced by ſevere *Canons*. Concil. Angl. *Tom.* 2. *p.* 144, 166, 299.

When the Reformation began, this Diſuſe of this holy Sacrament was looked on, by the chief Reformers, as a great Abuſe and Corruption crept into the Church, which ought by all means to be reformed, and the frequent Celebration of it ſet up in the Reformed Churches. But unreaſonable Scruples in ſome, and Miſapprehenſions in others, and a general Coldneſs and Indifference, as to Matters of Religion, have hitherto hindered the reviving this primitive part of Devotion among us. Calv. Inſt. *l.* 4. *c.* 17. *n.* 44. Per. Martyr. *L. C. l.* 4. *c.* 10. *n.* 48. In 1 Cor. 11. *p.* 55. Bucer in Matth. 16. *p.* 186.

I do not go about to determine the Frequency in your Pariſhes, which the Scripture doth not as to the Chriſtian Church, but ſuppoſes it to be *often done*; but I may require you to take care that Chriſt's Inſtitution be obſerved among you, and that with your utmoſt Care, both as to the Decency and Purity of it.

The laſt thing I recommend to you all is, *To have a great Care of your Converſations.* I do not ſpeak it out of a diſtruſt of you; I hope you do it already; and your Caſe will be ſo much worſe, if you do it not, becauſe you very well know how much you ought to do it: For the Honour of God and Religion, and the Succeſs of your Miniſtry, as well as your own Salvation, depend very much upon it. Lead your Flock by your Example, as well as by your Doctrine, and then you may much better hope that they will follow you; for the People are naturally *Spies* upon their *Miniſters*, and if they obſerve them to mind nothing but the World all the Week, they will not believe them in earneſt, when on the Lord's Days they perſwade them againſt it. And it takes off the Weight of all Reproof of other Mens Faults, if thoſe they reprove have reaſon to believe them guilty of the ſame. I do not think it enough for *a Preacher of Righteouſneſs* merely to avoid open and ſcandalous Sins, but he ought to be a great Example to others in the moſt excellent Vertues which adorn our Profeſſion, not only in *Temperance and Chaſtity*, in *Juſtice and ordinary Charity*, but in a readineſs to do good to all, in forgiving Injuries, in loving Enemies, in evenneſs of Temper, in Humility and Meekneſs, and Patience, and Submiſſion to God's Will, and in frequent Retirements from the World, not merely for Study, but for Devotion. If by theſe and ſuch things you *ſhine as Lights* among your People, they will be more ready to follow your Conduct; and in probability you will not only ſtop their Mouths, but gain their Hearts. For among all the Ways of advancing the Credit and Intereſt of the *Church* of *England*, one of the moſt ſucceſsful will be the diligent Labours, and the exemplary Lives of the Clergy in it.

But if Men will not regard their own or the Churches Intereſt in this matter; if they will break their Rules in ſuch a manner, as to diſhonour God, and the Church, and themſelves by it; then you are to conſider the next thing I was to ſpeak to, which is,

II. What *Authority* is given to us for the puniſhing *Offenders* in our *Dioceſſes* by the *Eccleſiaſtical Law* of this Realm. For this we are to conſider, That our *Authority* herein is not derived from any modern *Canons* or *Conſtitutions* of this *Church*, (although due Regard ought to be ſhewed to them) but from the ancient *Common Law Eccleſiaſtical* in this Realm, which ſtill continues in force. For as there is a *common Law*

Law with reſpect to *Civil Rights*, which depends not on the *Feudal Conſtitutions*, although in many things it be the ſame with them; but upon *ancient Practice and general Conſent* of the People from Age to Age. So, I ſay, there is a *Common Law Eccleſiaſtical*, which altho' in many things it may be the ſame with the *Canon Law*, which is read in the Books, yet it hath not its force from any *Papal* or *Legatine Conſtitutions*, but from the *Acceptance and Practice* of it in our Church. I could eaſily ſhew (if the time would permit) that *Papal and Legatine Conſtitutions* were not received here, although directed hither; that
2 Inſt. 632. ſome *Provincial Conſtitutions* never obtained the Force of *Eccleſiaſtical Laws*; but my buſineſs is to ſhew what did obtain and continue ſtill to have the Force of ſuch *Eccleſiaſtical Laws* among us.

By the *Statute* of 25 *H.* 8. *c.* 19. it is declared, "That ſuch Canons, "Conſtitutions, Ordinances, and Synodals Provincial being already "made, which be not contrariant nor repugnant to the Laws, "Statutes, and Cuſtoms of this Realm, nor to the Damage or Hurt of "the King's Prerogative Royal, ſhall now ſtill be uſed and executed "as they were afore the making of this Act, *&c.* It's true, a *Review* was appointed, but ſuch Difficulties were found in it, as to the ſhaking the Foundations of the *Eccleſiaſtical Law* here, that nothing was ever legally eſtabliſhed in it, and therefore this Law is ſtill in force.

In the *Statute* 25 *H.* 8. *c.* 21. it is ſaid, "That this Realm recognizing "no Superiour under God but the King, hath been and is free from ſub-"jection to any Man's Laws but only to ſuch as have been deviſed, "made, and obſerved within this Realm, for the Wealth of the ſame; "or ſuch other, as by the Sufferance of the King and his Progenitors, "the People of this Realm have taken at their free Liberty, by their "own Conſent to be uſed amongſt them, and have bound themſelves "by long Uſe and Cuſtom to Obſervance of the ſame, not as to the "Obſervance of the Laws of any Foreign Prince, Potentate, or Pre-"late, but as to the Cuſtoms and ancient Laws of this Realm original-"ly eſtabliſhed as Laws of the ſame, by the ſaid Sufferance, Conſent, "Cuſtom, and none otherwiſe.

All that I have now to do, is to ſhew what *Authority* the *Biſhops* had over the *Clergy* by the ancient *Eccleſiaſtical Law* of this Realm; and what *Cenſures* they were liable to for ſome particular Offences.

I. By the *Eccleſiaſtical Law* the Biſhop is *Judge* of the *Fitneſs* of any *Clerk* preſented to a *Benefice*. This is confeſſed by the Lord *Coke* in
2 Inſt. 632. theſe Words: *And the Examination of the Ability and Sufficiency of the Perſon preſented belongs to the Biſhop, who is the Eccleſiaſtical Judge, and in the Examination he is a Judge, and not a Miniſter, and may and ought to refuſe the Perſon preſented, if he be not* Perſona idonea. But this is plain to have been the ancient *Eccleſiaſtical* Law of this Realm, by the *Articul. Cleri* in *Edw.* II. time, *De Idoneitate Perſonæ præſentatæ ad Beneficium Eccleſiaſticum pertinet Examinatio ad Judicem Eccleſiaſticum, & ita eſt hactenus uſitatum, & fiat in futurum.*

Provinc. Conſ. quum ſecund. *f.* 71. By the *Provincial Conſtitutions* at *Oxford* in the time of *Hen.* III. the Biſhop is required to admit the Clerk who is preſented, without Oppoſition, within two Months, *dum tamen ideonus ſit*, if he thinks him fit. So much time is allowed, *propter Examinationem*, ſaith *Lyndwood*, even when there is no Diſpute about Right of Patronage. The main thing he is to be examined upon, is *his Ability to diſcharge his Paſto-*

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ral Duty; as *Coke* calls it; or as *Lynwood* saith, whether he be *commendandus Scientia & Moribus.* As to the former, the Bishop may judge himself; but as to the latter, he must take the *Testimonials* of others; and I heartily wish the Clergy would be more careful in giving them, by looking on it as a Matter of *Conscience*, and not merely of *Civility*; for otherwise it will be impossible to avoid the pestering the Church with scandalous and ignorant Wretches. If the Bishop refuses to admit within the time (which by the Modern Canons is limited to twenty eight Days after the Presentation delivered) he is liable to a *Duplex Querela* in the Ecclesiastical Courts, and a *Quare impedit* at Common Law; and then he must certifie the Reasons of his Refusal. In *Specot*'s Case it is said, That in 15 *H.* 7. 7, 8. *all the Judges agreed, that the Bishop is Judge in the Examination, and therefore the Law giveth Faith and Credit to his Judgment.* But because great Inconveniencies might otherwise happen, the general Allegation is not sufficient, but he must certifie *specially* and *directly*; and the general Rule is, and it was so resolved by the Judges, *That all such as are sufficient Causes of Deprivation of an Incumbent, are sufficient Causes to refuse a Presentee.* But by the Canon Law more are allowed. In the *Constitutions* of *Othobon*, the Bishop is required particularly to enquire into the Life and Conversation of him that is presented; and afterwards, that if a Bishop admits another who is guilty of the same Fault for which he rejected the former, his Institution is declared null and void. By the Canon Law, if a Bishop maliciously refuses to admit a fit Person, he is bound to provide another Benefice for him; but our Ecclesiastical Law much better puts him upon the Proof of the Cause of his Refusal. But if the Bishop doth not examine him, the Canonists say it is a Proof sufficient that he did it *malitiosé.* If a Bishop once rejects a Man for Insufficiency, he cannot afterwards accept or admit of him; as was adjudged in the Bishop of *Hereford*'s Case. If a Man brings a Presentation to a Benefice, the Bishop is not barely to examine him as to Life and Abilities, but he must be satisfied that he is in Orders. How can he be satisfied, unless the other produce them? How can he produce them, when it may be they are lost? What is to be done in this Case? The Canon is express, *That no Bishop shall institute any to a Benefice, who hath been Ordained by any other Bishop*, (for if he Ordained himself, he cannot after reject him, because the Law supposes him to have examined and approved him) *except he first shew unto him his Letters of Orders, and bring him a sufficient Testimony of his former good Life and Behaviour, if the Bishop shall require it; and lastly, shall appear upon due Examination to be worthy of the Ministry.* But yet in *Palmes* and the Bishop of *Peterborough*'s Case, it was adjudged, That no Lapse did accrue by the Clerk's not shewing his Orders, for the Bishop upon his not coming to him again, collated after six Months. But the Court agreed, That the Clerk ought to make Proof of his Orders; but they differed about the manner of their Proof. *Anderson* said, The Bishop might give him his Oath. But if a Proof were necessary, and the Clerk did not come to make Proof, it seems to me to be a very hard Judgment.

Can. 95.

5 Rep. 57.

Multa impediunt promovendum, quæ non dejiciunt. Glos. in c. 15. de Vit. & Honest. Cleric. C. Christianæ. f. 63. De Jure Patron. c. Pastoralis Officii. Glos. in Can. & malitiose. Moor 26. El. 3, 3 Cr. 27.

Can. 39.

3 Cr. 34. 1 Leon. 230.

II. The Bishop by the Ecclesiastical Law, is to visit his Dioceses, and to take an account of the Clergy how they behave themselves in the Duties of their Places. By the eldest Canons I can find, the Bishop's Visitation is supposed as a thing implied in his Office; whereby he is obliged to look after the good Estate of his whole Dioceses, and especi-

Regino *l.* 1. *c.* 5, 6, 7, 8, 10. Baluz. ad Reginon. *p.* 531.

ally of the Clergy in it. In the time of *Hubert* Archbiſhop of *Canterbury*, in the beginning of King *John*'s time, care is taken in the Canons then made, *That Biſhops ſhould not be burdenſom to the Clergy in the Number of the Attendants in their Viſitations, which then were Parochial, and the Number allowed of Twenty or Thirty Horſe, was too heavy for the Clergy to bear.* And therefore by degrees it was thought fit to turn that Charge into a Certainty, which was the Original of *Procurations*. By the Fourth Council of *Toledo*, the Biſhop was to viſit his whole Dioceſs, Parochially, every Year. The Gloſs ſaith, *if there were occaſion for it*; *and that the Biſhop may viſit as often as he ſees cauſe*; *but if he be hindered*, the Canon ſaith, *he may ſend others* (which is the Original of the *Arch-Deacon's Viſitation*) *to ſee not only the Condition of the Churches, but the Lives of the Miniſters.* The Council of *Braga* in the latter end of the ſixth Century, makes this the firſt Canon, That all Biſhops ſhould viſit their Dioceſſes by Pariſhes, and there ſhould firſt examine the Clergy, and then the People; and in another Canon he was required to receive only his *Cathedraticum*, *i. e.* a certain Sum in lieu of Entertainment; which came to be ſettled by Preſcription. The Council of *Cavailon* in *France*, *A. D.* 831, fixed no Sum, but deſired the Biſhops to be no Burdens to the Clergy in their parochial Viſitations. *Lynwood* ſaith, the ancient *Procuration* here, was *a Day and Nights Entertainment*; which after came to be a cuſtomary Payment: But however it was paid, it is an evident Proof of the Right of the Biſhops Viſitations by the ancient Eccleſiaſtical Law; and by ſuch a Cuſtom as is allowable by the Rules of our common Law.

Concil. Angl. vol. 2. *f.* 124.

c. 10. *q.* 1. Epiſcopum, Regino. *l.* 1. *c* 7.

Concil. Braga. 2. *c.* 1. 10. *q.* 1. Placuit.

Conc. Cabil. 2. *c.* 14. De Cenſibus, *f* 121. De Officio Vicarii *c.* quoniam V. Procurari.

III. There are ſome Faults which make the Clergy liable to Deprivation by virtue of the Eccleſiaſtical Law, which was here received. I ſhall name only ſome of them, and conclude; theſe being ſufficient for my preſent purpoſe.

I. *Exceſſive Drinking.* All drinking (*ad Potus æquales*) was abſolutely forbidden to Clergymen, on pain of *Suſpenſion* after *Admonition*; not only by a *Synodical*, but by a *Provincial Conſtitution* under *Edmund*, Archbiſhop of *Canterbury*. The *Canon Law* ſaith in that caſe, *ab Officio vel Beneficio ſuſpendatur*: But our *Conſtitution* is more ſevere, *à Beneficio & Officio.* The Council of *Oxford* not only ſtrictly forbids all Clergymen whatever tends to *Gluttony and Drunkenneſs*; but it requires the Biſhops to proceed ſtrictly againſt thoſe who are guilty, according to the Form of the *General Council*, i. e. the *Lateran*, 4. *viz.* by *Admonition* firſt, and then *Suſpenſion*. *Lynwood* complains, That *this was not ſo much looked after as it ſhould be, becauſe it brought no Profit*; I hope that Reaſon will not hold among thoſe who pretend to Reformation; which will be very defective, if it extend not to our Lives as well as our Doctrines: For there can be no greater Reproach than to ſee thoſe looſe and diſſolute in their Converſations, who think it their Honour to be Miniſters of a Reformed Church. It was a ſtinging Reflection upon our Church by the Archbiſhop of *Spalato*, (who was no very ſtrict Man himſelf) *That he ſaw nothing Reformed among us but our Doctrines.* I hope there was more of *Satyr* than of *Truth* in it; for I do not queſtion, but there were many then (as there are now) of Exemplary Lives, and unblameable Converſations; but if there be any others, it will be the more ſhame not to proceed againſt them; ſince even before the Reformation, the Canons were ſo ſtrict and ſevere in this matter. In the Council at *Weſtminſter* in *Henry* II. time, under *Richard*,

Concil. Angl. vol. 2. 140, 200. Extr. de Vita & Honeſtat. Cleric. *c.* 14. Prov. Conſt. *f.* 61.

Epiſt. ad Joſ. Hall.

Richard, Archbiſhop of *Canterbury*, *all Clergymen are forbidden going into Taverns to eat or drink, unleſs upon Travelling*; and the Sanction of this Canon is, *aut ceſſet, aut deponatur*. The ſame was forbidden in the Council at *York*, in the time of *Richard* I. in the Council at *London* under *Hubert*, in the time of King *John*. And ſince the Reformation the ſame Canon is renewed, *That no Eccleſiaſtical Perſons ſhall at any time, other than for their honeſt Neceſſities, reſort to any Taverns or Alehouſes*. And there have been Inſtances of the Severity of our Eccleſiaſtical Cenſures againſt *Drunkenneſs* in Clergymen. Concil. Angl. 2. vol. 104. f. 122. 126. Can. 78.

In 8 *Jac. Parker* was deprived of his benefice for Drukenneſs, and moved for a Prohibition, but it was denied him. Brownlow's *Rep. f.* 37.

In 9 *Jac.* another was deprived for the ſame fault; and the Judges at Common Law allowed the Sentence to be good.

No doubt there are other Inſtances, but we had not known of theſe, if they had not been preſerved in Books of Reports. *Id. f.* 70.

II. *Incontinency-Lyndwood* ſaith, Thoſe who are proved to be guilty of it, are *ipſo Jure privati*; but he thinks a Declaratory Sentence of the Eccleſiaſtical Judges neceſſary for the Execution of it. Since the Reformation, we have Inſtances of Deprivation for *Adultery* in our Law Books, one 12 *Eliz.* another 16 *Eliz.* a third 27 *Eliz.* Theſe are enough to ſhew that the *Eccleſiaſtical Law* is allowed by the Judges of Common Law, to continue in ſufficient Force for *Deprivation* in this Caſe. Lyndw. f. 9. 6 C. 14. Hob. 393. Owen 87. 1 Cr. 41. 789.

III. *Simony*. Which is the Name given by the Eccleſiaſtical Law, to all Contracts for Gain in the diſpoſing or obtaining any Eccleſiaſtical Promotion or Miniſtry. It is true, theſe do not come up to the very Sin of *Simon Magus*, which related to the immediate Gifts of the Holy Ghoſt; but becauſe the whole Miniſterial Office in all the parts of it (eſpecially the Cure of Souls) is of a *Spiritual Nature*; and all Bargains are ſo repugnant to the Deſign of it, therefore the Eccleſiaſtical Law hath fixed that deteſtable Name upon it: For, all *Contractus non gratuiti* in theſe things, ſavour of *turpe Lucrum*, and tend to bring in *turpe Commercium* into the Church; which would really overturn the whole Deſign of that Miniſtry, which was deſigned for the Salvation of Souls. And therefore it was neceſſary, that when Perſons had received (by the Favour of Temporal Princes and other Benefactors, who were Founders of Churches) ſuch Endowments as might encourage them in their Function, that ſevere Laws ſhould be made againſt any ſuch forbid and miſchievous Contracts. And ſuch there were here in *England* long before the excellent Stat. of 31. *Eliz. c.* 6. although it ſeems the Force of them was ſo much worn out, as to make that Statute neceſſary for avoiding of *Simony*; which is there explained to be *Corruption in beſtowing or getting Poſſeſſion of Promotions Eccleſiaſtical*. Officium Curæ animarum eſt præcipuum ac ſpiritualiſſimum Dei Donum. Cajetan. in Act. 8.

In a Council at *London* under *Lanfranc*, in the Conqueror's time, *Simony* was forbidden, under the Name of *Buying and ſelling of Orders*. And it could be nothing elſe before the Churches Revenue was ſettled: But in the time of *Henry* I. *Eccleſiaſtical Benefices were forbidden to be bought or ſold, and it was Deprivation then to any Clergyman to be convicted of it; and a Layman was to be Out-lawed, and Excommunicated, and Deprived of his Right of Patronage*. And this was done by a *Provincial Synod* of that time. Concil. Angl. vol. 2. p. 8, 10. p. 35.

In the Reign of *Henry* II. it was decreed, *That if any Perſon received any Mony for a Preſentation, he was to be for ever deprived of the Patro-* p. 102. Conſtit. Prov. 153.

nage of that Church; and this was not meerly a *Provincial Conſtitution*, but two Kings were preſent (*Hen.* II. and his Son) and added their Authority to it. This was not *depriving a Man of his Free-hold by a Canon*, as a Learned Gentleman calls it; ſo here was the greateſt Authority, Temporal as well as Eccleſiaſtical, added to it.

Parſons Councellor, Sect. 5.

But we are told, theſe *Canons were of as little Effects as that of* Othobon, *which made all Simoniacal Contracts void*; but ſome of the moſt judicious Lawyers have held, that *Simony* being *contractus ex turpi causâ*, is void of Parties.

Hob. 167.

All that I aim at is to ſhew, that by our old Eccleſiaſtical Law, *Simoniacus* incurred a *Deprivation* and *Diſability* before the Stat. 31 *Eliz.* and therein I have the Opinion of a very Learned Judge concurring with me.

1 Rolls 237.

IV. *Dilapidations.* By which the *Eccleſiaſtical Law* underſtands any conſiderable Impairing the *Edifices*, *Woods*, and *Revenues* belonging to Eccleſiaſtical Perſons, by Virtue of their Places. For it is the greateſt Intereſt and Concernment of the Church to have things preſerved for the good of Succeſſors; and it is a part of common *Juſtice* and *Honeſty* ſo to do. And the Lord *Cooke* poſitively affirms, *That Delapidation is a good Cauſe of Deprivation.* And it was ſo reſolved by the Judges in the *Kings-Bench*, 12 *Jac.* Not by Virtue of any new Law or Statute but by the old Eccleſiaſtical Law. For which *Cooke* refers to the Year-Books, which not only ſhew what the *Eccleſiaſtical Law* then was, but that it was allowed by the Common Law of *England*; and we are told, *that is never given to change*; but it may be forced to it by a *New Law*, which cannot be pretended in this caſe. And by the old Conſtitutions he received, the Biſhops are required *to put the Clergy in mind of keeping their Houſes in ſufficient Reparations, and if they do it not within two Months, the Biſhop is to take care it be done out of the Profits of the Benefice.* By the Injunctions of *Ed.* VI. and Queen *Elizabeth*, all Perſons having Eccleſiaſtical Benefices, are required to ſet apart the Fifth of their Revenue to repair their Houſes; and afterwards to maintain them in good Condition.

Jo. de Athon. in Conſtit. Othob. *f.* 55. 2. 35 E. 1. 11 R. 72. 3 Inſt. 204. Moor 917. Godbolt 279. Roll 813. 29 E. 3. 16. 2 Hen. 4. 3 11 Hen. 6. 20. 9 E. 4. 34. Conſtit. Othob. *f.* 55. 2. Othob. *f.* 55. 2.

V. *Pluralities.* By the *Eccleſiaſtical Law*, which was here received, the actual receiving Inſtitution into a ſecond Benefice made the firſt void *ipſo Jure*; and if he ſought to keep both above a Month, the ſecond was void too. *Lyndwood* obſerves, that the Eccleſiaſtical Law had varied in this matter. And it proceeded by the Steps, (which are more than *Lyndwood* mentions.)

Provinc. Conſtit. *f.* 59. Lynw. *ib.* V. ſit contenr.

I. It was abſolutely forbidden to have two Pariſhes, if there were more than ten Inhabitants in them, *becauſe no Man could do his duty in both Places.* And if any Biſhop neglected the Execution of it, he was to be excommunicated for two Months, and to be reſtored only upon promiſe to ſee this Canon Executed.

10. q. 3. c. Unio. Concil. Tolet. 16. c. 5.

II. The Rule was allowed to hold, as to Cities, but an Exception was made as to ſmall and remote Places, where there was a greater Scarcity of Perſons to ſupply them.

21. q. 1. c 1. Clericus.

III. If a Man had two Benefices, it was left to his Choice, which he would have: But he could not hold both. This kind of Option was allowed by the *Eccleſiaſtical Law* then in force.

Ex. de Præb. c. referente.

IV. That if he takes a ſecond Benefice, that Inſtitution is void, by the Third Council of *Lateran*, under *Alexander* 3.

Ex de Cler. Non-Reſiden. c. quia non-nulli.

V. The

V. That by taking a second, the first is void; which is the famous Canon of the Fourth *Lateran* Council. Ex. de Præb. c. de Multa.

VI. That if he were not contented with the last, but endeavour to keep both, he should be deprived of both. And this was the *Ecclesiastical Law* as it was declared in our *Provincial Constitutions*. But the general Practice was to avoid the former according to the *Lateran* Council. These were very severe Canons, but that one Clause of the *Pope's Dispensing Power*, made them to signifie little unless it were to advance his Power and Revenue. For when the *Dispensing Power* came to be owned, the Law had very little Force; especially as to the Consciences of Men. For if it were a Law of God, how could any man dispense with it? Unless it were as apparent that he had given a Power in some Cases to *Dispense*, as that he had made the Law. Those Casuists are very hard put to it, who make Residence *Jure Divino*, and yet say the Pope may dispense it; which at last comes only to this, That the Pope can authoritatively declare the sufficiency of the Cause: So that the whole matter depends upon the Cause; whether there can be any sufficient to excuse from Personal Residence.

It is agreed on all hands, that the habitual Neglect of a Charge we have taken upon our selves, is an evil thing, and that it is so to heap up Preferments meerly for Riches, or Luxury, or Ambition; but the main Question in point of Conscience is, What is a sufficient Cause to justifie any Man's breaking so reasonable and just a Rule as that of Residence is.

It cannot be denied, that the eldest Canons of the Church were so strict and severe, that they made it unlawful for any Man to go from that Church in which he first received Orders; as well as to take another Benefice in it: And so for any Bishop to be translated from that Place he was first Consecrated to; as well as to hold another with it. But the Good of the Church being the main Foundation of all the Rules of it; when that might be better promoted by a *Translation*, it was by a tacit Consent looked on, as no unjust Violation of its Rules. The Question then is, whether the Churches Benefit may not in some Cases make the Canons against Non-Residence as Dispensible, as those against *Translations?* And the Resolution of it doth not depend upon the voiding the particular Obligation of the Incumbent to his Cure; but upon some more general Reason with respect to the State of the Church; as being imployed in the Service of it, which requires a Persons having (not a bare Competency for Subsistence, but) a Sufficiency to provide Necessaries for such Service: For those seem to have very little regard to the flourishing Condition of a Church, who would confine the Sufficiency of a Subsistence, meerly to the Necessaries of Life. But it seems to be reasonable, that Clergymen should have Incouragement sufficient, not only to keep them above Contempt, but in some respect agreeable to the more ample Provision of other Orders of Men. And by God's own Appointment the Tribe of *Levi* did not fall short of any of the rest, if it did not very much exceed the Proportion of others. We do not pretend to the Privileges they had, only we observe from thence, that God himself did appoint a plentiful Subsistence for those who attended upon his Service. And I do not know what there is *Levitical* or *Ceremonial* in that. I am sure the Duties of the Clergy now require a greater Freedom of Mind from the anxious Cares of the World, than the Imployments of the *Priests* and *Levites* under the Law.

Law. But we need not go ſo far back; if the Church enjoyed all her Revenues as entirely, as when the ſevere Canons againſt *Pluralities* were made, there would not be ſuch a Plea for them, as there is too much Cauſe for in ſome Places, from the Want of a competent Subſiſtence But ſince that time, the Abundance of *Appropriations* (ſince turned in. to *Lay-Fees*) hath extremely leſſened the Churches Revenues, and have left us a great Number of poor Vicarages, and Arbitrary Cures, which would hardly have afforded a Maintenance for the *Nethinims* under the Law, who were only to be *Hewers of Wood, and Drawers of Water.* But this doth not yet clear the Difficulty: For the Queſtion is, Whether the Subſiſtence of the Clergy can lawfully be improved by a *Plurality of Livings?* Truly, I think this (if it be allowed in ſome Caſes lawful) to be the leaſt deſirable way of any; but in ſome Circumſtances it is much more excuſable than in others; as, when the Benefices are mean, when they lie near each other, when great care is taken to put in ſufficient Curates with good Allowance; when Perſons take all Opportunities to do their Duties themſelves, and do not live at a diſtance from their Benefices in an idle and careleſs manner. But for Men to put in Curates merely to ſatisfy the Law, and to mind nothing of the Duties of their Places, is a horrible Scandal to Religion and our Church, and that, which if not amended, may juſtly bring down the Wrath of God upon us. For the looſeſt of all the Popiſh Caſuiſts look upon this as a very great Sin, even thoſe who attributed to the Pope the higheſt diſpenſing Power in this Caſe.

But when the great Liberty of *Diſpenſing* had made the Eccleſiaſtical Laws in great meaſure uſeleſs, then it was thought fit by our Lawmakers to reſtrain and limit it by a Statate made 21 *H.* VIII. wherein it is enacted, "That if any Perſon or Perſons having one Benefice "with Cure of Souls, being of the yearly Value of eight Pounds or "above, accept or take any other with Cure of Souls, and be inſti- "tuted and inducted in Poſſeſſion of the ſame, that then and immedi- "ately after ſuch Poſſeſſion had thereof, the Benefice ſhall be adjudged "to be void. And all Licences and Diſpenſations to the contrary are "declared to be void and of none effect.

This, one would have thought, had been an effectual Remedy againſt all ſuch *Pluralities and Diſpenſations* to obtain them; and this, no doubt, was the primary Deſign of the Law; but then follow ſo many *Proviſo's* of qualified Men to get Diſpenſations, as take off a great deal of the Force and Effect of this Law. But then it ought well to be conſider'd, Whether ſuch a Licence being againſt the chief Deſign of a Law, can ſatisfy any Man in point of Conſcience, where there is not a juſt and ſufficient Cauſe? For if the *Pope's Diſpenſation*, with the ſuppoſed Plenitude of his Power, could not ſatisfy a Man's Conſcience without an antecedent Cauſe, as the Caſuiſts reſolve, much leſs can ſuch *Proviſo's* do it.

Leſſ. *l.* 2. c. 34. *Dub.* 27. Pan. c. dudum. 2. de Elect. Sylv. Benef. 4. Sum. Angel. Ben. 35.

It is the general Opinion of Divines and Lawyers, ſaith *Leſſius, That no Man is ſafe in Conſcience by the Pope's Diſpenſation for Pluralities, unleſs there be a juſt Cauſe for it.*

No Man can with a ſafe Conſcience take a Diſpenſation from the Pope for more Benefices than one, merely for his own Advantage, ſaith *Panormitan*; and from him *Sylveſter* and *Summ. Angelica.*

A Dispensation, saith Cardinal *Tolet, secures a Man as to the Law; but as to Conscience there must be a good Cause for it; and that is, when the Church hath more Benefit by it, than it would have without it.* Tolet Summa Casuum 5. c. 8.

But the Pope's *Dispensing Power* went much farther in point of Conscience in their Opinion, than that which is settled among us by Act of Parliament; for it is expressed in the Statute of 21 *Hen.* VIII. That the Dispensation is intended to keep Men from *incurring the Danger, Penalty, and Forfeiture in the Statute comprized.* So that the most qualified Person can only say, that the Law doth not deprive him; but he can never plead that it can satisfy him in point of Conscience, unless there be some Cause for it, which is of more Moment to the Church than a Mans sole and constant Attendance on a particular Cure is. But this Statute is more favourable to the Clergy than the *Canon Law* was before, in two Particulars.

1. In declaring that no *simple Benefices*, or meer *Dignities*, as the *Canonists* call them, *are comprehended under the Name of Benefices, having Cure of Souls*, viz. *no Deanary, Arch-deaconry, Chancellorship, Treasurership, Chantership, or Prebend in any Cathedral or Collegiate Church, nor Parsonage that hath a Vicar endowed, nor any Benefice perpetually appropriate.* But all these before were within the reach of the Canon Law, and a Dispensation was necessary for them: Which shews that this Law had a particular Respect to the necessary Attendance on Parochial Cures, and looked on other Dignities and Preferments in the Church, as a sufficient Encouragement to *extraordinary Merit.*

2. That no notice is taken of Livings under the Valuation of 8 *l.* which, I suppose, is that of 20 *E.* 1. for that of *H.* 8. was not till five years after that Statute. But after that Valuation it was to be judged according to it, and not according to the real Value, as the Judges declared 12 *Car.* I. in the Case of *Drake* and *Hill.* Now here was a regard had to the Poorness of Benefices so far, that the Statute doth not deprive the Incumbent upon taking a second Living, if the former be under 8 *l.* The Question that arises from hence is, Whether such Persons are allowed to enjoy such Pluralities by Law, or only left to the Ecclesiastical Law as it was before? It is certain, that such are not liable to the Penalty of this Law; but before any Person might be deprived by the Ecclesiastical Law for taking a second Benefice without Dispensation, of what Value soever the former were; now here comes a Statute, which enacts, That all who take a second Benefice, having one of 8 *l.* without Qualification, shall lose his legal Title to the first; but what if it be under? Shall he lose it or not? Not by this Law. But suppose the Ecclesiastical Law before makes him liable to Deprivation; doth the Statute alter the Law without any Words to that purpose? The Bishop had a Power before to deprive, where is it taken away? The Patron had a Right to present upon such Deprivation; how comes he to lose it? And I take it for granted, That no antecedent Rights are taken away by Implications, but there must be express Clauses to that purpose. So that I conclude, the ancient Ecclesiastical Law to be still in Force, where it is not taken away by Statute. Cr. Car. f. 455. C. 4. 75. *Holand's Case.*

And thus, my Brethren, I have laid before you the *Authority* and the *Rules* we are to act by; I have endeavoured to recommend to you the most useful parts of your Duty, and I hope you will not give me occasion to shew what Power we have by the Ecclesiastical Law of this Realm to proceed against Offenders. Nothing will be more uneasy to me,

me, than to be forced to make uſe of any Severity againſt you. And my Hearts deſire is, That we may all ſincerely and faithfully diſcharge the Duties of our ſeveral Places, that the Bleſſing of God may be upon us all; ſo that we may *ſave our ſelves, and thoſe committed to our Charge.*

OF THE

NATURE of the TRUST

Committed to

The Parochial Clergy

At a Viſitation at *Worceſter, October* 21th. 1696.

My Brethren,

I Have formerly, on the like Occaſion, diſcourſed to you of the General Duties of your Function, and the Obligation you are under to perform them; and therefore I ſhall now confine my Diſcourſe to theſe Two things:

I. To conſider the particular Nature of the *Truſt* committed to you.

II. The Obligation you are under to your *Parochial Cures.*

I. The firſt is neceſſary to be ſpoken to; for while Perſons have only ſo confuſed and cloudy Apprehenſions concerning it, they can neither be ſatisfied in the Nature of their Duties, nor in their Performance of them. And there is danger as well in ſetting them ſo high as to make them Impracticable, as in ſinking them ſo low as to make, not only themſelves, but their Profeſſion Contemptible. For the World (let us ſay what we will) will always eſteem Men, not meerly for a Name and Profeſſion, but for the Work and Service which they do. There is, no doubt, a Reverence and Reſpect due to a Sacred Function on its own Account; but the higheſt Profeſſion can never maintain its Character among the reſt of Mankind, unleſs they who are of it, do promote the General Good, by acting ſuitably to it. And the greater the Character is, which any bear, the higher will the Expectations of others be concerning them; and if they fail in the greateſt and moſt uſeful Duties of their Function, it will be impoſſible to keep up the Regard which ought to be ſhew'd unto it. We may complain as long as we pleaſe of the Unreaſonableneſs of the Contempt of the Clergy in our Days, (which is too general, and too far ſpread) but the moſt effectual Means to prevent or remove it, is for the Clergy to apply themſelves to the moſt neceſſary Duties, with Reſpect to the Charge and Truſt committed to them.

But here ariſes a conſiderable Difficulty, which deſerves to be cleared; *viz.* concerning the juſt *Meaſures* of that Diligence which is required. For, there are ſome who will never be ſatisfied that the

Clergy

Clergy do enough, let them do what they can; and it is to no purpoſe to think to ſatisfie them who are reſolved not to be ſatisfied: But on the other ſide, ſome care not how little they do, and the leſs, the better they are pleaſed with them; and others again, have raiſed their Duties ſo high, that ſcarce any Man can ſatisfie himſelf that he hath done his Duty.

It is a matter therefore of the higheſt Conſequence to us, to underſtand, What Rule and Meaſure is to be obſerved, ſo as we may neither wilfully neglect our Duty, nor deſpair of doing it.

Here we are to conſider two Things;

1. How far the Scripture hath determined it.

2. What Influence the Conſtitution of our Church is to have upon us concerning it.

1. The Scripture doth ſpeak ſomething relating to it, both in the Old and New Teſtament.

In the Old Teſtament we have the Duties enjoyned to the Levitical Prieſthood, and the extraordinary Commiſſions given to the Prophets.

As to the *Levitical Prieſthood*, we can only draw ſome general Inſtructions, which may be of uſe, altho' that Prieſthood hath been long ſince at an end; Chriſt being our High-Prieſt after another Order, *viz.* of *Melchiſedeck*; and our Duty now is to obſerve his Laws, and to offer that Reaſonable Service which he requires.

But even from the *Levitical Prieſthood*, we may obſerve theſe things.

1. That although the main of their Duty of Attendance reſpected the Temple and Sacrifices; yet at other times they were bound to inſtruct the People in the Law. For ſo *Moſes* leaves it as a ſpecial Charge to the Tribe of *Levi*, *to teach Jacob his Judgments, and Iſrael his Law.* And to encourage them to do it, they had a liberal Maintenance, far above the Proportion of the other Tribes. For by Computation it will be found, that they were not much above the 60th part of the People; for when the other Tribes were numbred from twenty years old, they made *ſix hundred thouſand, and three thouſand five hundred and fifty.* But the Children of *Levi* were reckoned by themſelves from a Month old; and they made but *two and twenty thouſand*; ſo that if the Males of the other Tribes had been reckoned, as they were, it is agreed by Learned Men, who had no Fondneſs for the Clergy, that they did not make above a fiftieth or ſixtieth part; and yet they had near a fifth of the Profits, beſides accidental Perquiſites, as to Sacrifices, and Ranſoms of the Firſt-born. *Thus*, ſay they, *God was pleaſed to enrich that Tribe which was devoted to his Service.* But it was not certainly, that they ſhould ſpend their time in Idleneſs and Luxury, but that they might with the greater freedom apply themſelves to the Study of the Law, that they might inſtruct the People. For the Cities of the *Levites* were as ſo many Colleges diſperſed up and down in the ſeveral Tribes, to which the People might upon occaſion, more eaſily reſort.

Deut. 33. 10. Levit. 10. 11.

Num. 1. 3, 46. 3. 15. 39.

Selden's *Review*, p. 456.

2. That if the People erred thro' Ignorance of the Law, God himſelf laid the Blame on thoſe who were bound to inſtruct them. *My People*, ſaith God by the Prophet, *are deſtroyed for lack of Knowledge.* If People are reſolved to be ignorant, who can help it? Had they not the Law to inform them? But it is obſervable, that the Peoples Errors are

Hoſea 4 6.

laid to the Charge of the Priests, and the Punishment is denounced against them. *Because thou hast rejected Knowledge, I will also reject thee, that thou shalt be no Priest unto me.* It seems the Priests were grown careless and negligent, as to their own Improvements; they did not know to what purpose they should take so much pains in studying the Law, and the difficult Points of it; they were for a freedom of Conversation, and hoped to keep up their Interest among the People that
Isa. 56. 11. Way. Therefore *Isaiah* calls them *Shepherds that cannot understand*; but were very intent upon their Profits, *they all look to their own Way, every one for his Gain from his Quarter.* But this was not all, for the Prophet charges them with a Voluptuous Careless, Dissolute Life. *Come*
12. *ye, say they, I will fetch Wine, and we will fill our selves with strong Drink, and to morrow shall be as this day, and much more abundant.* Was not this a very agreeable life for those who were to instruct the People in the Duties of Sobriety and Temperance? It was Death for the Priests by
Lev. 10. 8, 9. the Law *to Drink Wine or strong Drink, when they went into the Tabernacle of the Congregation*; and the Reason given is, *That ye may put a*
10. *difference between holy and unholy, and between unclean and clean; and*
11. *that ye may teach the Children of Israel all the Statutes, which the Lord hath spoken to thee by the Hand of* Moses. Which implies, That those who are given to drinking *Wine* or *strong Drink*, are very unfit to instruct others in the Law of God. And God looked on them as such a Dishonour to his Worship, that he threatens immediate Death to them that approached to his Altar, when they had drank Wine; and the *Jews* say, that was the Reason why *Nadab* and *Abihu* were destroyed. And
Lev. 10. 3. then God said, *I will be sanctified in them that come nigh me.* All Nations have abhorred sottish and drunken Priests, as most unfit to approach to God when they were not themselves; or to offer Sacrifices for others, when they made Beasts of themselves. But this was not all; for God required from them who were to teach others the Law, that they should be always in a Capacity of understanding and practising it themselves.

But if we proceed to the *Prophets*, nothing can be more dreadful,
Exek. 3. 18, 20. 33. 7. than what God saith to *Ezekiel*, That if he did not warn the People as he commanded them, *their Blood will I require at thy hand.* Is this Charge now lying upon every one of you, as to every Person under your Care? Who would not rather run into a Wilderness, or hide himself in a Cave, than take such a Charge upon him?

But we must distinguish what was peculiar to the Prophet's immediate Commission to go to any particular Person in God's Name, from a General Charge to inform Persons in their Duties, and to tell them the Danger of continuing in their Sins. If any fail for want of Information, when you are bound to give it, the Neglect must fall heavy, and therefore you are bound to take all just Opportunities in publick and private to inform those under your Care of such Sins as you know them to be guilty of; not with a Design to upbraid, but to reform them.

1 Pet. 5. 2, 3. In the New Testament the Charge is General *to feed the Flock of God*; and *to do it willingly, not for filthy Lucre, but of a ready mind*; *and to be Examples to the Flock.* But St. *Peter*, who gives this Advice, doth not determine who belong to *the Flock*; nor within what Bounds it is to be limited; and there were many *Flocks* in the *Jewish* Dispersion, and many Elders scattered up and down among them in *Pontus*, *Asia*, *Galatia*,

Cap-

Cappadocia, and *Bithynia*; ſo that here we have only general and excellent Advice for ſuch who had care of the ſeveral Flocks, to carry themſelves towards them with great Humility and Tenderneſs, with Charity and Goodneſs, as thoſe that made it their buſineſs to do good among them, and conduct them in the Way to Heaven.

St. *Paul*, in his Charge to thoſe whom he ſent for to *Miletus*, tells them, *That they muſt take heed to themſelves, and to all the Flock, over which the Holy Ghoſt hath made them Over-ſeers, to feed the Church of God, which he hath purchaſed with his own Blood.* It's poſſible here might be a particular Deſignation of the Flock they were to *overſee*, by the Direction of the Holy Ghoſt; but yet the Charge is general to take heed to themſelves and to the Flock, and to promote the good of the Church of God, which *Chriſt hath purchaſed with his own Blood*. Which are the moſt weighty Conſiderations in the World to excite us to the utmoſt Care and Diligence in Diſcharge of our Duties. Acts 20. 28.

In the Epiſtle to the *Theſſalonians* they are ſaid *to be over them in the Lord, and to admoniſh them.* In that to the *Hebrews*, *to watch for their Souls, as they that muſt give an account.* No doubt, very great Care and Wathfulneſs is required in all that take ſo great and ſolemn an Office upon them; but where are the Bounds and Limits ſet, as to the People, and Nature of the Duties required from them? Muſt every Man be left to his own Conſcience and Judgment, what, and how far he is to go? Or can we ſuppoſe all Men equally careful of doing their Duties, if no particular Obligation be laid upon them? Some of the Eloquent Fathers of the Church, as St. *Chryſoſtom*, St. *Jerom*, St. *Gregory Nazianzen*, and others, have allowed themſelves ſo much in the Flights of Fancy, and Figures of ſpeaking about the Height and Dignity of the Sacred Function, as if they had a mind to diſcourage all Men of modeſt and humble Diſpoſitions from undertaking it. I do not wonder that they ran into Solitudes, and withdrew from the World upon it; but I do wonder how they came from thence and undertook the ſame Charge afterwards, without giving an anſwer to their own Arguments. For the World remained juſt as it was when they left it. Mankind were ſtill as impatient of being governed, or told of their Faults, as fickle and humourſome, as prone to evil, and untractable to Good, as it was before. And could they hope it would ever mend by their running away from it? Or, was their Duty become more eaſie by declining it; I think it was very well for the Church of God, that, notwithſtanding their own many Arguments, they took the Sacred Office upon them at laſt, and did God and the Church good Service in it. But if Men were to judge by their Writings upon this Argument, one would think none but thoſe who had a mind to be damned, would undertake it. And their great Strains of Wit and Eloquence, if they had any Force, would keep the beſt Men out of the Church, who were moſt likely to do God Service in it; and we need no other Inſtances than theſe very Perſons themſelves. And if all good, and humble, and conſcientious Men ſhould for the ſake of the Hardneſs of the Work, decline the Church's Service, and take any other lawful Imployment, what would become of the Church of God? For none that had, or intended to keep a good Conſcience, could undertake the Cure of Souls; and ſo they muſt be left to ſuch as had no Regard to their own; but were either ignorant, ſtupid and ſenſeleſs Creatures, or ſuch as regarded not their own Salvation, who durſt undertake ſuch a Task, as would not 1 Theſſ. 5. 12. Heb. 13. 17.

only add to their own Guilt, but bring the heavy Load of other Men's Faults upon them too.

What is now to be done in this Caſe? Hath God really impoſed ſuch a Task upon all thoſe who enter into this Sacred Function, that it it is morally impoſſible for an honeſt Man to diſcharge it with a good Conſcience? How then can any ſuch undertake it? But if it may be done, what are thoſe Bounds and Rules we are to obſerve, ſo as a good Man may ſatisfie himſelf in a competent Meaſure, that he hath done his Duty?

II. And this is that which I ſhall now endeavour to clear. For every one who is in Orders hath a double Capacity: One with Reſpect to the Church of God in general; another to that particular Flock which is allotted to him, by the Conſtitution of this Church, and the Law of the Land. For although the Nature of our Duty in general be determined by the Word of God, as I have already ſhewed, yet the particular Obligation of every one to his own Flock, is according to that Power and Authority, which by the Rules and Orders of this Church is committed to him, and is fully expreſſed in the Office of Ordination. By which it plainly appears, that the Care of Souls committed to Perſons among us, is not an abſolute, indefinite, and unaccountable thing; but is limited, as to Place, Perſons, and Duties, which are incumbent upon them. They are *to teach the People committed to their Charge*; By whom? By the Biſhop when he gives Inſtitution.

They are to give private as well as publick Monitions and Exhortations, as well to the ſick, as to the whole: What, to all? No, but *to thoſe within their Cure.*

They are *to baniſh erroneous Doctrines, and to promote Peace and Love, eſpecially among them committed to their Charge.*

And laſt of all, *they are to obey thoſe who have the Charge and Government over them.*

Theſe things are ſo expreſs and plain in the very Conſtitution of this Church, and owned ſo ſolemnly by every one that enters into Orders, that there can be no Diſpute concerning them.

And from thence we obſerve ſeveral things that tend to the Reſolution of the main Point, as to the Satisfaction of doing your Duties, as Incumbents on your ſeveral Places.

Ad probandam Eccleſiam Parochialem, primo eſt neceſſe quod habeat locum certis finibus conſtitutum in quo degat populus illi Eccleſiæ deputatus. Rebuff. ad Concord. de Collat. Sect. Stat. n. 2.

I. That it is a Cure of Souls limited as to Perſons and Place, *i. e.* within ſuch a Precinct as is called a Pariſh.

II. That it is limited as to Power, with Reſpect to Diſcipline.

Therefore I ſhall endeavour to clear theſe two Things:

I. What the juſt Bounds and limits of Parochial Cures are.

II. What is the Meaſure of that Diligence which is required within thoſe Bounds.

As to the former, we are to begin with the Limitation as to *Place.*

I. That it is a Cure of Souls limited within certain Bounds which are called *Pariſhes*, which are now certainly known by long Uſage and Cuſtom, and ought ſtill to be preſerved with great care; for otherwiſe Confuſion and Diſputes will ariſe between ſeveral Miniſters, and ſeveral Pariſhes with one another. For ſince the Duties and the Profits are both limited, it is neceſſary that thoſe Bounds ſhould be carefully preſerved, as they generally are by Annual Perambulations.

But

But there are ſome who will underſtand nothing of this bounding of Miniſterial Duties by diſtinct Pariſhes, who think they are at liberty to exerciſe their Gifts where-ever they are called; and that it were better that theſe Parochial Incloſures were thrown open, and all left at liberty to chuſe ſuch whom they liked beſt, and under whom they can improve moſt.

Theſe things ſeem to look plauſible at the firſt Appearance, and to come neareſt to the firſt gathering of Churches, before any ſuch thing as Pariſhes were known.

But to me this Arguing looks like Perſons going about now to overthrow all Dominion and Property in Lands and Eſtates, becauſe it ſeems not ſo agreeable with the firſt natural Freedom of Mankind; who, according to the Original Right of Nature, might pick and chuſe what ſerved moſt to their own Conveniency. But although this were the firſt State of things, yet the great Inconveniencies which followed it, upon the Increaſe of Mankind, made Diviſion and Property neceſſary; and although there be no expreſs Command of God for it, yet being ſo neceſſary for the Good of Mankind, it was not only continued every where, but thoſe Perſons were thought fit to be puniſhed by ſevere Laws, who invaded the Rights and Properties of others, either by open Violence and Rapine, or by ſecret Stealth and Purloining.

I grant, that at firſt there were no ſuch Parochial Diviſions of Cures here in *England* as there are now. For the Biſhops and their Clergy lived in common; and before that the Number of Chriſtians was much increaſed, the Biſhops ſent out their Clergy to preach to the People, as they ſaw Occaſion. But after the Inhabitants had generally embraced Chriſtianity, this itinerant aud occaſional going from Place to Place, was found very inconvenient, becauſe of the conſtant Offices that were to be adminiſtred, and the Peoples knowing to whom they ſhould reſort for Spiritual Offices and Directions. Hereupon the Bounds of Parochial Cures were found neceſſary to be ſetled here by degrees, by thoſe Biſhops who were the great Inſtruments of converting the Nation from the *Saxon* Idolatry. But a Work of this Nature could not be done all at once, as by a kind of *Agrarian Law*, but ſeveral Steps were taken in order to it.

At firſt, as appears by *Bede*, they made uſe of any old *Britiſh* Churches that were left ſtanding; ſo *Auguſtin* at firſt made uſe of St. *Martins* near *Canterbury*, and after repaired *Chriſt's Church*, which were both *Britiſh Churches*. But *Ethelbert* gave all Incouragement both to *repair Old Churches and to build New*. However, the Work went on ſlowly; *Auguſtin* conſecrated but two Biſhops, which were ſettled at *London* and *Rocheſter*, where *Ethelbert* built and endowed two Churches for the Biſhops and their Clergy to live together. In the *Weſtern* Parts *Birinus* built ſeveral Churches about *Dorcheſter*, where his See was fixed. *Wilfred* converted the *South-Saxons*, and ſettled Presbyters in the *Iſle of Wight*, but they were but two. In the Kingdom of *Mercia* there were five Dioceſſes made in *Theodore's* time; and *Putta*, Biſhop of *Rocheſter*, being driven from his See, he obtained from *Saxulphus*, a *Mercian* Biſhop, a Church with a ſmall Glebe, and there he ended his Days. In the *Northern* Parts we read of two Churches built by two Noblemen, (*Puch* and *Addi*) upon their own Manors. And the ſame might be done elſewhere; but *Bede* would never have mentioned theſe, if the thing had been common. But in his Epiſtle to *Egbert*, Archbiſhop of *York*,

Bed. *l.* 1. c. 26. c. 33.

L. 2. *c.* 3.

L. 3. *c.* 7.

L. 4. *c.* 13, 16.

L. 4. *c.* 12.

L. 5. *c.* 4, 5.

Bed. Epiſt. ad Egbert, ap. p. 64.

a little before his Death he intimates the great Want of Presbyters and Parochial Settlements, and therefore earneſtly perſwades him to procure more. And if *Egbert*'s Canons be genuine (of which there are ſeveral ancient *MSS.*) the Duties of Presbyters in their ſeveral Churches are ſet down. However, the Work went not on ſo faſt, but in his Succeſſor *Eanbaldus* his time, the Biſhops were required to find out convenient places to build Churches in, and the ſame paſſed in the *Southern* parts by general Conſent. In the Council of *Cloveſhoe*, we read of *Presbyters placed up and down by the Biſhops in the Manors of the Laity, and in ſeveral parts diſtinct from the Epiſcopal See*; and there they are exhorted *to be diligent in their Duties.* In the times of *Edgar* and *Canutus*, we read of the *Mother Churches*, which had the Original Settlement of Tithes, (after they were given to the Church by ſeveral Laws) and of the Churches built upon their own Lands by the Lords of Manors; to which they could only apply a third part of the Tithes. But in the Laws of *Canutus*, we find a fourfold Diſtinction of Churches 1. *The Head Church*, or the Biſhop's See. 2. Churches of a ſecond Rank, which had Right of *Sepulture*, and *Baptiſm*, and *Tithes.* 3. Churches that had Right of *Sepulture*, but not frequented. 4. *Field-Churches* or *Oratories*, which had no Right of Burial. The ſecond ſort ſeem to be the Original Parochial Churches which had the Endowment of Tithes, and were ſo large, that ſeveral other Churches were taken out of them by the Lords of Manors; and ſo the Pariſhes came to be multiplied ſo much, that in the Laws of *Edward the Confeſſor*, c. 9. it is ſaid, *That there were then three or four Churches, where there had been but one before.* In this Dioceſs I find by an Epiſtle of *Wulſtan*, Biſhop of *Worceſter*, to *Anſelm*, that before the Conqueſt there were Churches in Vills, or upon particular Manors that were conſecrated. And if *William* the Conqueror demoliſhed ſix and thirty Pariſh-Churches in the Compaſs of the *New Foreſt*, as is commonly ſaid, there muſt be a very great Number before the Conqueſt, although ſo few are ſaid to appear in *Doomſday Book*, (yet there are many parochial Churches of this Dioceſe in it, above twenty in two Deanaries) but the *Normans* almoſt ruined the parochial Clergy, by ſeizing the Tithes, and making *Appropriations* of them. But in the *Saxon* times the Number ſtill encreaſed, as Lords of Manors and others were willing to erect new Churches, and to have a ſettled Parochial Miniſter among them, who was to take Care of the Souls of the People within ſuch a Precinct, as hath obtained the Name of a Pariſh. But Pariſhes now are of a very different Extent and Value; but the Obligation which the Law puts upon them is the ſame, only where the Maintenance is greater, they may have the more Aſſiſtants. And from hence came the Difference among the Parochial Clergy; for thoſe whoſe Pariſhes were better endowed, could maintain inferior Clerks under them, who might be uſeful to them in the publick Service, and aſſiſt them in the Adminiſtration of Sacraments. And this was the true original of thoſe we now call *Pariſh-Clerks*, but were at firſt intended as Clerks-Aſſiſtant to him that had the Cure; and therefore he had the Nomination of them, as appears by the Eccleſiaſtical Law, both here and abroad. And *Lynwood* ſaith, *Every Vicar was to have enough to ſerve him, and one Clerk or more*; and by the Canon-Law, *no Church could be founded, where there was not a Maintenance for Aſſiſting Clerks.* In the Synod of *Worceſter*, under *Walter Cantelupe*, in *Henry* the Third's time, they are called *Capellani Parochiales*, and the Rectors

Egbert. Can. 1, 2, 3, 4.

Concil. Angl. 1. 293.

1. *p.* 248.

Can. 9. Concil. Angl. 1. 444.

P. 544, 545.

P. 540.

Anſelm. Epiſt. *l.* 4. *Ep.* 3.

Joh. de Athon. in Conſt. Othob *p.* 59.

Extr. de Jure Patron. c. 30.

of

of Parishes were required to have such with them. And the Canon Law doth allow a *Rector* to give a *Title* to another to receive Orders as an *Assistant* to him; and this without any prejudice to the Patron's Right; because but One can have a Legal Title to the Cure. But *Lynwood* observes very well, *That those who give Titles to others, as their Assistants or Curates, are bound to maintain them if they want.* These are called *Vicarii Parochiales, & Stipendiarii*; but *Conductitii Presbyteri*, who are forbidden, were those who took Livings to farm, without a Title. But after Appropriations came in, then there were another sort of Vicars called *Perpetui*, and were endowed with a certain Portion of the Temporalities, and were admitted *ad Curam Animarum*: But such could not *Personam Ecclesiæ sustinere* in an Action at Law about the Rights of the Church, but as to their own Right they might. But still there is another sort of *Vicars*, who are *Perpetual*, but not *Endowed* any otherwise than the Bishop did allow a *congrua Portio*; and this was in Appropriations where the Bishop consented only upon those Terms, as they generally were so made, till the Neglect made the Statutes necessary, 15 *R.* 2. 6. and 4 *H.* 4. 12. The Bishops were to make, or enlarge the Allowance, say the Canonists, after Presentation, and before Institution, and were to see that it were a sufficient Subsistence.

Lynw. *f.* 34. 167. De Vit. & Honest. *c.* 3. Glos. C. 1. *q.* 2. *c.* 1. Concil. Angl. 1. 253. Lynw. *f.* 53. 2. 167. 72. 2. Extr. Ne Prælati vices, *&c.* *c.* 3. Lynw. de Conserr. E. Stat. *c.* Rect. Athon. *f.* 13. Extr. de Præb. *c.* de Monachis.

But there were some Cures which had Chapels of Ease belonging to them; and they who officiated in them, were called *Capellani*, and had their Subsistence out of the Oblations and Obventions, and were often *Perpetual* and *Presentative*. And where the Incumbents had several Chapels of Ease, and only Assistants to supply them, the Canon Law doth not call them *Rectores*, but *Plebani*; who had a sort of peculiar Jurisdiction in lesser Matters; but still they were under the Bishops Authority in Visitations and other Ecclesiastical Censures, because the Care of the whole Dioceses belonged to him *Jure Communi*; and so it was taken for granted in all Parts of the Christian World: And especially in this Kingdom, where *Parochial Episcopacy* was never heard of till of late Years. For, nothing can be plainer in our History, than what is affirmed in two of our Laws, Stat. of *Carlisle*, 25. *E.* 1. and the Stat. of *Provisors*, 25. *E.* 3. *That the Church of* England *was founded in Prelacy*, or *Diocesan Episcopacy*. For our first Bishops were so far from being confined to one *Church* or *Town*, that at first in the *Saxon-Division* of Kingdoms, every Bishop had his Dioceses equal with the Extent of the Kingdom, except in *Kent*, where one Suffragan to the Archbishop at *Rochester* was confirmed.

Lynw. de Officio Vicarii, *c.* quoniam. Thorn. *c.* 21. *Sect.* 8. Extr. de Offic. Ordin. Azor. *p.* 2. *l.* 3. *c.* 19. Barbosa de Officio Parochial. *c.* 1. *n.* 9.

The first Conversion of the *English* Nation to Christianity from Paganism, was by the Diocesan Bishops, who were sent hither from several Parts, and the *Presbyters* imployed by them; and as the Number of Christians increased, the Number of Bishops did so too; so that in the Parts of *Mercia* one Dioceses was divided into five, that they might the better look after the Government of them; and every Bishop, as appears by the *Saxon* Councils, was bound to see parochial Churches built, and the Clergy to be settled in them to attend upon the Duties of their Function among the People committed to their Charge.

That which I have aimed at in this Discourse, was to shew, That the Original Constitution of this Church, was *Episcopal*; but yet that the Bishops did still design to fix a *Parochial Clergy* under them, as Churches could be built and endowed.

It

It remains now to ſhew, That this Conſtitution of a *Parochial Clergy*, is more reaſonable, than that of an unfixed, and unſettled Clergy by Law; which will eaſily appear, if we conſider.

1. The greater Advantage as to Unity, and real Edification among the People. For this makes them to be as one Body within certain Bounds: And the People know whither to reſort for publick Worſhip and Sacraments; and the Inconveniencies, as to the difference of Mens Abilities, is not ſo great, as the Inconveniency of a broken, divided People, as to Religion; which always creates Suſpicions and Jealouſies, and generally Contempt and Hatred of each other. And I think every wiſe and good Chriſtian will conſider, that which tends to Peace and Unity, is really more Edifying than a far better Talent of Elocution, or the moſt moving Way of exciting the Fancies and Paſſions of Hearers. For St. *Paul* tells us, *Charity* is beyond *miraculous Gifts.* It is eaſie to obſerve, that the wiſeſt Methods are ſeldom the moſt popular; becauſe the generality of Mankind do not judge by Reaſon, but by Fancy, and Humour, and Prejudices of one kind or other. From hence the Heats of Enthuſiaſm, and odd Geſtures, and vehement Expreſſions, with no deep or coherent Senſe, take much more with ordinary and injudicious People, than the greateſt ſtrength and clearneſs of Reaſon, or the ſoundeſt Doctrine, and the moſt pious Exhortation, if they be not ſet off in ſuch a Way as ſtrikes their Imaginations, and raiſes their Paſſions. And this is that which ſuch do commonly call the moſt Edifying Way of Preaching, which is like the coming up of the Tide with Noiſe and Violence, but leaves little Effect; whereas the other is like a conſtant Stream which goes on in a ſteady and even Courſe, and makes the Earth more fruitful. The one is like a Storm of Thunder and Lightning, which ſtartles, and confounds, and amuſes more; but the other is like a gentle Rain which ſoftens and mellows the Ground, and makes it more apt to produce kindly and laſting Fruit. We are to judge of true Edification, not by the ſudden Heat and Motion of Paſſions, but by producing the genuine Effects of true Religion; which are fixing our Minds on the greateſt and trueſt Good, and calming and governing our diſorderly Paſſions, and leading *a godly, righteous and ſober Life.* But we too often find violent and boiſterous Paſſions, an ungovernable Temper, Envy, Strife and Uncharitableneſs, growing up with greater Pretences to Zeal, and better Ways of Edification.

I never expect to ſee the World ſo wiſe, as to have Perſons and Things univerſally eſteemed according to their real Worth. For there will be a Tincture in moſt Perſons, from Temper, and Inclination, and the Principles of Education; but generally ſpeaking Matters of Order and Decency, and Things which tend to a publick Good, affect thoſe moſt, who have the beſt Judgment and Temper; and irregular Heats, and diſorderly Methods of praying and preaching, thoſe whoſe Religion makes more Impreſſion upon their Fancies, than their Judgments, and is ſeen more in the inflaming their Paſſions, than in keeping them in their due Order.

2. There is a greater Advantage as to Diſcipline: For, if among the Teachers they are under no Bounds nor Subjection to a Superiour Authority, it is very eaſie to avoid any kind of Cenſure for the moſt corrupt Doctrines or Practices. We cannot boaſt much of the ſtrict Exerciſe of Diſcipline among us; and one great Reaſon is, That many have more mind to complain of the Want of it, than to do their Endea-

vour

vour to amend it. We hear of many Complaints of the Clergy in general, and ſometimes by thoſe who have more mind to have them thought guilty, than to prove them ſo, for fear they ſhould acquit themſelves, or at leaſt the Church ſhould not bear the blame of their Miſcarriages. But we cannot proceed arbitrarily, we muſt allow them timely notice, and ſummon them to appear, and a juſt Liberty of Defence; but if upon Proof, and ſufficient Evidence we have not proceeded againſt them with the juſt Severity of the Law, then we ought to bear the Blame, but not otherwiſe. But whatſoever perſonal Neglects or Faults there have been, or may be, my Buſineſs is to ſhew, that our Way is much better fitted for the juſt Exerciſe of Diſcipline, than that of Independent Congregations, altho' the Managers of them pick and cull out the beſt they can for their Purpoſe; and one would think, when they had made choice of Members to their Mind, and bound them together by an explicit Covenant, they ſhould be very eaſie, and tractable, and ſubmiſſive to their own Diſcipline. But they have found the contrary by their ſad Experience; they grow too heady and wilful to bear any ſuch thing as ſtrict Diſcipline; for when they had the Courage to exerciſe it, their Congregations were ſoon broken to pieces, and the ſeveral divided Parts, were for ſetting up new Heads one againſt another, till at laſt they found it was much eaſier to be Teaching than to be Ruling Elders. And ſo they have let the Reins of Diſcipline fall to keep their Congregations together. But ſuppoſe the Teachers ſhould fall out among themſelves; as, to give a freſh and late remarkable Inſtance: Suppoſe ſome ſet up *Antinomianiſm*, and preach ſuch Doctrines to the People or Flocks they go to, which others think of dangerous Conſequence, What is to be done in ſuch a Caſe? They may ſend ſome Brethren to enquire whether the matters of Fact be true. Suppoſe they find them true, What then? What is to be done next? It may be, ſome would have them come up to their Brethren and anſwer to the Accuſations brought againſt them. But ſuppoſe they will not; and others of the Brethren ſay, they ought not; and ſo fall into Heats and Diſputes among themſelves about it, and make new Parties and Diviſions: Is not this an admirable Way of preſerving Peace, and Order, and Diſcipline, in a Church? And I am as certain, this is not the Way of Chriſt's appointing, as I am, that *God is the God of Order, and not of Confuſion*; and that when Chriſt left the Legacy of Peace to his Church, he left a Power in ſome to ſee his Will performed. But theſe things can never be objected againſt us; for all are Members of the ſame Body, and are governed by certain and known Rules; and if any be guilty of open Violation of it, the Way is open to accuſe and proſecute them; and if they be found guilty, the Cenſures of the Church will render them uncapable of doing it in ſuch a Station; or at leaſt, to bring them to Confeſſion of their Fault, and Promiſe of future Amendment. And now I leave any one to judge, whether the *Parochial Clergy* are not under greater and better Diſcipline, than the Teachers of the ſeparate Congregations.

II. But the great Complaint of ſuch Men is, That we want *Parochial and Congregational Diſcipline*, ſo that Faults ſhould be examined and puniſhed where they have been committed; but inſtead of that, all Matters are drawn into the Eccleſiaſtical Court, and there Cauſes are managed ſo, as looks rather like a Deſign to puniſh Men in their Purſes, than for their Faults; and the Delays are ſo great, that the Court it ſelf

ſeems to be deſigned for Penance, and grows very uneaſie, even to thoſe who are Members of our Church. And ſome think that the proceeding againſt Men upon Articles of Enquiry, is not ſo agreeable to the Rights and Liberties of Mankind. In anſwer to this, I ſhall conſider, (1.) The Proceedings upon Enquiry at Viſitations. (2.) The Method of Proceeding in the Eccleſiaſtical Courts. (3.) The Inconveniencies of Parochial Diſcipline.

1. As to Enquiries at *Viſitations*. They were grounded upon one of the main Pillars of our Law, *viz.* an ancient, immemorial Cuſtom founded upon good Reaſon: In the firſt Canons that ever were made in this Church under *Theodore*, Archbiſhop of *Canterbury*; the ſecond is, *That every Biſhop is to look after the Government of his own Dioceſs, and not to invade anothers.* And that in ſo doing they went about their Dioceſſes in order to an Enquiry and Correction of Miſcarriages, is evident from the *Council* under *Cuthbert*, Archbiſhop of *Canterbury*, *Can.* 3. 25. the firſt Council at *Calechyth*, *Can.* 3. the Conſtitutions of *Odo*, Archbiſhop of *Canterbury*, *Can.* 3. and the Canon of *Edgar*, *Can.* 3. But in the *Saxon times*, the Viſitations were annual, which were found inconvenient; and therefore in the *Norman* times, the Archdeacons were taken into a part of the Juriſdiction under the Biſhop, and viſited thoſe years the Biſhop did not. But we meet with no *Archdeacons* with any kind of Juriſdiction in the *Saxon* times; we read indeed ſometimes of the Name of *Archdeacons*, but they had nothing to do in the Dioceſs, but only attended the Biſhop at Ordinations, and other publick Services in the Cathedral. *Lanfranc* was the firſt who made an *Archdeacon* with juriſdiction in his See. And *Thomas* firſt Archbiſhop of *York*, after the Conqueſt, was the firſt who divided his Dioceſs into *Archdeaconries*; and ſo did *Remigius*, Biſhop of *Lincoln*, his large Dioceſs into Seven *Archdeaconries*, ſaith *H.* of *Huntingdon:* And ſo it was with the reſt; of which there were two Occaſions, 1. The laying aſide the *Chorepiſcopi* in the Weſtern Parts, as aſſuming too much to themſelves. 2. The publick Services which the Biſhops were more ſtrictly tied to, as the King's Barons in the *Norman* times: Which was the Reaſon not only of taking in Archdeacons, but likewiſe of Archpresbyters or Rural-Deans, who had ſome Inſpection into the ſeveral Deanaries, and aſſiſted the Biſhop in ſuch things, as they were appointed to do; and then came in the other Eccleſiaſtical Officers, as *Vicar-General*, *Chancellors*, *Commiſſaries*, &c. for we read not of them here at all in the *Saxon times*; but about the time of *Henry* II. the Biſhops took them for their Aſſiſtance in Diſpatch of Cauſes, when the King required their ſtrict Attendance on the publick Affairs in the Supreme Court of Parliament.

Concil. Angl. 1. p. 183.

Angl. Sacr. 1. 150. Stub. Vit. Arch. H. Hunting. in Angl. Sacr.

2. As to the Method of Proceeding in the Eccleſiaſtical Courts, it is no other than hath been continued here without Interruption, till of late years, ever ſince the Conqueſt. For the Conſiſtory-Court, and the Rules of Proceeding there, were eſtabliſhed by a Law in the time of *William* the Firſt. As far as I can find by King *Edward*'s Laws, *c.* 4. the Biſhops did then proceed by the Eccleſiaſtical Laws, although they then ſat in the County-Court; but this cauſed ſo much Confuſion, that *William*, by a general Conſent, and a Charter directed to all the People of *England*, doth ſeparate the Eccleſiaſtical from the Temporal Courts; which was enrolled as good Law, 2 *R.* 2. upon occaſion of a Suit of the Dean and Chapter of *Lincoln*; and therefore the Charter of *Remigius*, Biſhop of *Lincoln*, is more mentioned than others, but the

Concil. Angl. 11. 14.

the ſame was to all the Biſhops and Counties of *England*, as appears by other Copies of it. Thus the Conſiſtory-Court was firſt eſtabliſhed, as a diſtinct Court from the County-Court, which it was not in the *Saxon times*, for then the Biſhop ſate with the Civil Magiſtrate in the ſame Court; and Eccleſiaſtical Cauſes were firſt heard and decided there. It ſeems the People were very unwilling to go to a new Place; and therefore the Law is inforced with ſevere Penalties for Contempt. And thoſe who object againſt the Reaſonableneſs of the Method of Proceeding in thoſe Courts, muſt reflect upon ſome of the wiſeſt Nations in the World, who have gone upon the ſame Grounds, in all that have received the Civil Law, and upon ſome of the greateſt Courts at this time in the Kingdom, as the *Chancery* and *Admiralty*, which go by the ſame Fundamental Rules. As to any Objections which ariſe from the perſonal Faults of thoſe who are imployed in them, that reaches, I am afraid, to all Courts; and it ought to be the Work and Buſineſs of thoſe who look after them, to do what in them lies, to reform them, that others Faults may not be laid at their Doors.

Seld. 14, 1. 4 Inſt. 259.

Tit. H. 1. c. 7.

3. But for thoſe who would have a *Parochial* or *Congregational Diſcipline* ſet up, as much better, and more effectual, I ſhall deſire them to conſider, that ſince Matters of Diſcipline are ſuch, as that in them the Reputation and Intereſt of Perſons is very much concerned, they ought not to be left to Arbitrary Proceedings of any Perſons, but they ought to be managed by the certain and common Rules of Juſtice; ſince every Man hath a Right to defend himſelf, when he is accuſed. And unleſs there be known and eſtabliſhed Methods of Proceedings agreeable to natural Juſtice, and the Laws of the Land, nothing would be more grievous and intolerable than the common Exerciſe of a Parochial Diſcipline. For,

1. It cannot be preſumed, that there will be competent Judges. For every one who hath a Faculty of Preaching, hath not a Faculty of Judging in ſuch Caſes. And where Diſcretion and a Judgment of Circumſtances is wanting, an honeſt Mind will not ſecure Men from doing Injury, and expoſing their Judicature to Contempt.

2. They have no fixed and eſtabliſhed Rules of proceeding, as there are in the Eccleſiaſtical Courts, which have been continued down from time to time, and allowed by the Laws of the Land. And what miſerable Diſorder muſt follow an Arbitrary Method, when Humour, and Will, and Paſſion may over-rule Juſtice, and Equity, and Conſcience?

3. They are not under the Check of the Law, as the Eccleſiaſtical Courts are. For, if they exceed their Bounds, either as to the Nature of the Cauſe, or the Manner of proceeding, they are liable to Prohibitions from the King's Courts of Juſtice; but the Law can take no notice of *Parochial* or *Congregational* Judicatures, and ſo Men may ſuffer without Remedy.

4. They have no way to judge of Legal Evidence, which is very material when a Perſon is accuſed. It is one of the niceſt Points in all criminal Proceedings to determine what is good and ſufficient Evidence. For ſeveral things are to be weighed before either Witneſſes or Teſtimonies can be allowed. As to Witneſſes, it is required that they be perſons of Reputation, and free from Infamy of Law and Fact; that they be diſintereſted, and ſo not liable to the juſt Suſpicion of Partiality; that they be Men of *Diſcretion and ſane Memory*; and all reaſonable Exceptions are to be allowed againſt them. As to Teſtimonies;

they muſt be by our Law upon Oath; and what Authority have ſuch Perſons to give an Oath, and why ſhall a Man be liable to ſuffer by a Teſtimony without one, when the Law requires it? They muſt be deliberate, and not given to Paſſion, conſiſtent as to Time, Place, and other Circumſtances: They muſt be certain and poſitive, and not upon Hear-ſay, or the Believing of other Perſons: They muſt be free from any juſt Suſpicion of Contrivance and Conſpiracy, or any ſort of Corruption or Partiality. And now is every parochial Miniſter, or ſelect Congregation fit to judge of theſe Matters, whereon the Reputation, and conſequently the Intereſt of every Perſon may be ſo deeply concerned?

5. They have no way to prevent a precipitate and haſty Sentence. Suppoſe a Man be accuſed by one of Intereſt and Paſſion, who poſſeſſes others with the ſame Opinion before-hand, and the Judges are all prejudiced before the Matter comes to be heard; and in popular Aſſemblies ſome few Men ſway the reſt, what a Caſe is a Perſon accuſed unjuſtly in? He hath no Liberty for others that are not of the Congregation, although more diſintereſted, either to come in to judge, or to plead for him: He can have no Advocate to defend him, or to ſhew the Weakneſs or Inconſiſtency of the Evidence againſt him. In all Eccleſiaſtical Courts, they may ſometimes proceed ſummarily, but even then the Fundamental Rules of the Court muſt be obſerved, as to Proofs and Witneſſes, or elſe the Sentence is void; but here the Sentence will take place, although there hath not been the leaſt Colour of Juſtice in the whole Proceedings.

6. Here is no ſettled courſe of Appeals in caſe of a wrong Sentence. But where Men are liable to Miſtake and Paſſion, a Right of Appeal is one of the Fundamental parts of Juſtice. And therefore Independent and Arbitrary Courts of Judicature, as all Congregational Churches are, are inconſiſtent with the common Rights of Mankind, and that due Subordination which ought to be in all Societies, in order to the preſerving Order and Juſtice among Men. But ſuppoſe Parochial Diſcipline ſo ſettled among us, as to allow a Liberty of Appeal, how would the Trouble, and Vexation, and Expence be increaſed, by going from the Parochial Sentence to the Biſhop's Court, and from thence ſtill further? So that if there be ſome Inconveniencies in point of Diſtance, for Perſons to be ſummoned to appear at firſt ſo far from home, yet there is ſome Compenſation by the leſs Trouble and Charges, if due care be taken to prevent Delays and unneceſſary Expences; which ought to be done: And thoſe who do make the greateſt Clamour againſt our Courts, are rather willing they ſhould continue ſuch as they may have Cauſe to complain of, than to do their Endeavours to reform them.

Thus I have endeavoured to ſhew the juſt Bounds and Limits of Parochial Cures.

II. I now come to conſider the juſt Meaſure of that Diligence which is required under thoſe Limits. For our Church requires *Faithful Diligence* in Preaching, and Sacraments, and Prayers, and Reading the Holy Scriptures. If then we can underſtand what this *Faithful Diligence* implies, we may come to ſatisfie our ſelves whether we do our Duty or not.

1. *Faithful Diligence* implies ſerious Application of our Minds to the main End and Deſign of our Holy Function; which is to do good

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to the Souls of Men, especially to those committed to your Charge. And an idle, careless, fantering Life, or one too busy and distracted with the Cares of the World, are not consistent with it. I do not go about to take you off from necessary Business, and reasonable Allowances, as to Health and Studies, but to perswade you that the doing good to your Peoples Souls, ought to be the principal and chief Design of your Thoughts, Studies and Endeavours. And if the People be satisfied that this is really your Design among them, you will find that your Doctrine will be easier received, your Persons esteemed, and your Labours valued. It is possible you may meet with a froward, peevish, self-willed People; and it is hard when a Man is only set to water and mend a Hedge made up of Briars and Thorns; the more Pains he takes, the more Scratches he may meet with; but if it be your Lot, be not discouraged from doing your Duty: Remember what sort of People the Prophets were sent to, and what Usage they had from them; what Hardships and Reproaches Christ and his Apostles underwent from a very unkind World; but a very patient Continuance in well-doing gave them inward Satisfaction in the midst of all, and did by degrees gain the Christian Doctrine Access to the Hearts of those who most opposed it.

2. It implies an honest and conscientious Care of discharging the known and common Duties of your Function, as Preaching, Praying, Catechizing, Administring Sacraments, Visiting the Sick, *&c.* A diligent Person is one who neglects no good Opportunities of doing his Business, but watches for them, and studies to improve them to the best Advantage. Can those satisfy themselves that they use *Faithful Diligence*, who shamefully neglect their Cures, and care not how seldom they come at them, nor how they are supplied, if they make a good Bargain for their own Advantage? I cannot deny, but that according to the Laws of the Land, and the Canons of this Church, some Persons are allowed to have two several Cures, which must imply a Non-residence for some time, at least, upon one of them. But they still suppose, that there are Persons resident upon them, who are allowed by the Bishop to be sufficient to discharge the necessary Duties of the place, and not to be taken up like Post-horses, the next that comes, and to be turned off at the next Stage. I think it a very great Fault in those who have Pluralities, that they look no more after the Curates they employ, and that they do not bring them to the Bishop to be approved, and to have their Allowance fixed before they imploy them. They think no more is required but to pay the Fees for a Licence; but I have and shall endeavour to convince the Clergy of this Diocese, that Licences are not to be taken, as St. *Peter* took *the Fish that first came with Money in the Mouth of it*; I hope to be able to satisfy them, that it is not the Fees that we aim at, but at Persons doing their Duties. And our Canons are express, That no Curate is to be allowed in any Cure of Souls, that hath not been examined and admitted by the Bishop or Ordinary having Episcopal Jurisdiction, and attested by the Hand and Seal of the Bishop. How then come Curates to officiate without ever coming to the Bishop at all, or undergoing any Examination by him? This is a plain Breach of the Canon, and ought to be reformed. I do not say, that such Licences as have customarily passed without the *Bishop's Hand and Seal* are void; but I do say, That they are irregular and voidable, and none ought to be allowed, Can. 48.

ed, which are not according to the Canon; and that no Incumbent ought to take any one for his Curate, till the Biſhop hath allowed and approved him under his Hand and Seal. And this Remedy the Law gives us againſt the Inconveniencies which attend Pluralities by weak and inſufficient Curates. But no Man is excuſed, either by Law or Canons, from attending the Duties of his Place at ſome times in his own Perſon, and
Can. 41. that *good Part of the Year*; in which time he ought to do the Duties of his Place with Diligence and Care; and to acquaint himſelf with his Pariſhioners, in order to the better Diſcharge of his Duty towards them. They have very mean Thoughts of their holy Function, that think the main Part of it lies only in the Pulpit; (I wiſh even that were minded more) but all the ways you can do good among your People is within the Compaſs of your Duty, not merely to inſtruct them in Religion, but to prevent Quarrels, and Contentions, and Meetings for Debauchery, which tend to corrupt Mens Minds, and draw them off from the Principles as well as Practice of true Religion: It is your Duty to endeavour to make them live like good Chriſtians, and good Neighbours, and to ſet Patterns your ſelves of Sobriety, Meekneſs, Charity, and of every thing praiſe-worthy.

3. *Faithful Diligence* implies filling up your vacant Hours with the moſt uſeful Studies, as to the main End of your Function. For in your Ordination you ſolemnly promiſe *to lay aſide the Study of the World and the Fleſh, and to apply your ſelves to the Study of the Scriptures, and ſuch Studies as help to the Knowledge of the ſame.*

But it may be ſeaſonably asked by ſome, What Method and Courſe of Study will beſt conduce to that End?

To this I ſhall endeavour to give a ſhort Anſwer ſo far as it concerns the main End of your Function, which it is moſt proper for me to conſider at this time.

1. Look well to the Temper of your Minds, that it be humble, ſober, and religious; for a vain, affected, and ſelf-opinionated Perſon can never have an inward and hearty Reliſh of Divine Truths. The Scriptures will appear to him either too plain and eaſy, or too obſcure and intricate; ſome things will ſeem low and flat, and others too lofty and poetical. Thoſe who read not with a good Mind, will have always ſomething or other to cavil at. It is a mighty Advantage in all Spiritual Knowledge, to come to it with an unbiaſs'd Mind, free from the Power of Prejudice and evil Inclinations. For theſe give a ſtrange Tincture to the Mind, and hinder the clear and diſtinct Perception of Revealed Truths, as above the Natural Faculties which God hath given us. Some are therefore ſo fond of Philoſophical Speculations, that unleſs the Letter of the Scripture ſuits with them, they are ready to deſpiſe it, and only Shame and Fear keep up any Reverence for it in them. Some are altogether for Mathematical Evidence and Demonſtration, as though the Way to Salvation were to be ſhewed by Lines and Figures: Why do they not firſt run down all Laws and Hiſtory, becauſe they are not capable of Mathematical Evidence? And it argues a far greater Meaſure of true Underſtanding to know when to be ſatisfied, than to be always diſputing and cavelling. The Plainneſs of Scripture in ſome places is no more an Offence to one that wiſely conſiders the Deſign of it, than a beaten Road is to a Traveller who deſires to know which is the true Way to his Journey's End; and the plainer it is, the more he is ſatisfied with it. But the Scripture wants not

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its Depths, which require a very attentive and conſidering Mind, and will afford Matter for Exerciſe of Thoughts, and frequent and ſerious Meditation. The Excellency of the Scripture is, That all things neceſſary are plain; and ſuch as are not ſo, although they are not neceſſary to be known for Salvation, yet require our Diligence to underſtand them, and give great Satisfaction as far as we can know them.

2. Not to perplex your Minds with Difficulties above your reach, as in what relates to the Eternal Decrees, and the particular Manner of that Unity of the Godhead, which is conſiſtent with the Trinity of Perſons. For ſince the Scripture doth aſſert both, we may ſafely be contented with what the Scripture reveals, although the Manner of it be incomprehenſible. And as to the other, the Scripture is clear and poſitive, as to the Moral Parts of our Duties; and if we are to ſeek how to reconcile them with God's Decrees, we have this certain Rule to go by, That without doing our Duty we cannot be happy, but we may without underſtanding how the Freedom of our Wills is conſiſtent with the Divine Preſcience and Decrees.

3. Not to fix plain and neceſſary Duties upon new and unaccountable Theories. As for Inſtance: There are no Duties of greater Conſequence than the Love of God and our Neighbour; but it would be unſpeakable Miſchief to Religion, to fix the Love of God upon ſo abſurd a Principle, as his being the immediate Cauſe of all Senſation in us. And it would have made the Chriſtian Doctrine ridiculous, to found its fundamental Precepts on extravagant Notions and Myſtical Contemplations. And ſo for the Love of our Neighbours, to allow only a Love of Benevolence and Charity, and not of *Delight* and *Complacency*, is to make nice Diſtinctions, where God hath made none. But to take away the Love of Complacency in Friends and Relations, and the Bleſſings which God gives for the Comfort of Life, is to overthrow the due Senſe of God's Goodneſs in giving them; and to take away a great Meaſure of that Gratitude we owe to God for them. But when any ſeem very fond of ſuch Notions, and ſhew ſo much Self-Complacency in them, it is impoſſible upon ſuch Principles that they ſhould love their Neighbours as themſelves.

4. If you would underſtand the New Teſtament aright, fix in your Minds a true Scheme of the State of the Controverſies of that time, which will give you more light into the true Knowledge of the Scriptures, than large Volumes of Commentators, or the beſt Syſtems of Modern Controverſies; as, What the *Jewiſh* Notions of Juſtification by Works, and Expiation of Sin were, and of God's Decrees of Election and Reprobation as to themſelves: And what the Principles of the Judaizing Chriſtians were, as to the joining the Law and the Goſpel, and the *Pythagorean* Superſtition together. And what the *Gnoſticks*, who were profeſſed Libertines, held as to Grace, Redemption, Liberty, Government, *&c.* All which tend very much to the clearing the Senſe of the New Teſtament.

5. Where the Senſe appears doubtful, and Diſputes have been raiſed about it, enquire into the Senſe of the Chriſtian Church in the firſt Ages, as the beſt Interpreter of Scripture; as, Whether the Apoſtles left Biſhops or Presbyters to ſucceed them in the Government of Churches; Whether the Apoſtles appointed the Lord's Day to be obſerved as the Day of Publick Worſhip; Whether Baptiſm were not to be adminiſtred to Infants as well as Circumciſion, both being Seals of God's Cove-

Covenant; Whether Divine Worſhip doth not belong to Chriſt, and were not given to him in the Hymns and Doxologies of the Primitive Church; and, Whether Divine Worſhip can be given to any Creature; Whether the Form of Baptiſm was not underſtood ſo, as to imply a Trinity of Perſons; and, Whether all true Chriſtians were not Baptized into this Faith; and conſequently, Whether denying the Trinity be not renouncing Chriſtian Baptiſm. Theſe and many other ſuch Queſtions of great Importance, receive great Light from the Writings of the firſt Ages.

But ſome Rules may be very uſeful for right judging the Senſe of thoſe Times.

1. To diſtinguiſh the Genuine and Suppoſititious Writings of that Time. This hath been examined with ſo much Care by Learned Men of this laſt Age, that it is no hard matter to make a true Judgment about them.

2. In thoſe that are Genuine, to diſtinguiſh the Senſe of the Church, delivered by them, from their own particular Opinions; the Senſe of the Church is beſt known by publick Acts, as by Creeds, Sacraments, Hymns, Prayers and Cenſures of ſuch as oppoſe or contradict them.

3. To put a Difference between the Authority of private Perſons, and of the Biſhops and Governours of the Church who may be preſumed to underſtand the Senſe of the Church, and the Doctrine of the Apoſtles better than the other. And ſo *Clemens*, *Ignatius*, *Polycarp*, *Theophilus*, and *Irenæus* are more to be truſted as to the Senſe and Practice of the Chriſtian Church than ſuch as *Hermes*, and *Papias* and *Tatianus*, who had neither the Judgment nor the Authority of the other.

4. That may be juſtly looked on as the Senſe of the Church, which is owned both by the *Friends* and the *Enemies* of it. The Enemies of Chriſtianity charged them with many Things, which the Apologiſts utterly denied. Now we find *Pliny* charging the Chriſtians with ſinging Hymns to Chriſt, as to God; ſeveral Chriſtian Writers of that time mention this, but never go about to ſoften; or to excuſe, or deny it. And ſo we find *Lucian* deriding the Chriſtians for the Doctrine of *Three* and *One*; which the Apologiſts of that time are ſo far from denying, that they aſſert and vindicate it, as appears by *Athenagoras* and others.

But theſe things I only touch at, to ſhew how the Senſe of the Church is to be taken, and how from thence the Senſe of the Scriptures may be cleared.

OF THE

Particular DUTIES

OF THE

PAROCHIAL CLERGY,

At a Viſitation, *October* 27th. 1696.

My Brethren,

AS often as it pleaſes God in his wiſe Providence to bring me among you in the ordinary Courſe of my Viſitation, I cannot ſatisfie my ſelf that I do my own Duty, unleſs I put you in mind of doing yours. We live in an Age, wherein the Contempt of the Clergy is too notorious not to be obſerved; but the true Reaſons are not ſo well conſidered as they ought to be. Some, to increaſe the Contempt of the Clergy, have given ſuch Reaſons of it, as ſeem to make it a light and jeſting matter; but truly it is very far from being ſo: For the Contempt of Religion is oft-times both the Cauſe and the Effect of it. It is not at all to be wondred at, that thoſe *who hate to be reformed*, ſhould hate thoſe whoſe Duty and Buſineſs it ought to be to endeavour to reform them. But when Religion is ſtruck at through our Sides, we ought with Patience to bear the Wounds and Reproaches we receive in ſo good a Cauſe. *Wo be to us*, if thoſe who are Enemies to Religion, *ſpeak well of us:* For it is a ſtrong Preſumption that they take us to be of their ſide in our Hearts, and that we are diſtinguiſhed only by our Profeſſion, which they look on only as our Trade. And we give too much occaſion for ſuch Suſpicions of us, if we do not heartily concern our ſelves for the Honour and Intereſt of true Religion in the World, whatever we may ſuffer, as to our Reputation, for the ſake of it. It is poſſible, that if we go about to humour ſuch Perſons in their Infidelity and Contempt of Religion, we may eſcape ſome hard Words for the preſent, but they cannot but have the greateſt inward Contempt and Hatred of all thoſe who live upon Religion, and yet have not the Courage to defend it. And what Satisfaction can ſuch have, when they reflect upon themſelves, and think what Occaſion they have given to confirm ſuch Perſons in their Infidelity, and to make them think the worſe of Religion for their ſakes.

The beſt thing we can do to recover the Honour of Religion, and to ſet our Profeſſion above *Contempt*, is to apply our ſelves ſeriouſly and conſcientiouſly to do our Duties. For if others find that we are in earneſt, and make it our great Buſineſs to do all the Good we can, both in the Pulpit, and out of it; if we behave our ſelves with that Gravity, Sobriety, Meekneſs and Charity which becomes ſo holy a Profeſſion, we ſhall raiſe our ſelves above the common Reproaches of a ſpiteful World; and do what lies in us to ſtop the Mouths at leaſt, if not to gain the Hearts of our Enemies.

For the real Eſteem which Men have of others, is not to be gained by the little Arts of Addreſs and Inſinuation, much leſs by complying with them in their Follies; but by a ſteady and reſolute Practice of our own Duties, joined with a gentle and eaſie, and obliging Behaviour to others, ſo far as is conſiſtent with them. But a proud, ſupercilious, moroſe Behaviour towards our greateſt Enemies, doth but make them much more ſo; if any thing ſoftens them, and makes them more tractable, it will be, joining a Firmneſs of Mind, as to our plain Duties, with Humility and Kindneſs in other Matters.

But what are theſe Duties we are obliged to ſo much Care in the Performance of?

There is a two-fold Obligation lying upon us.

I. That which is more General from the Nature and Deſign of our Imployment; which is *the Cure of Souls*; and that requires great Diligence and Faithfulneſs, frequent Recollection and Conſideration, ſerious Application of our ſelves to Divine Studies and Imployments; a prudent Uſe of the beſt Methods for the Convincing, Reproving, Directing and Aſſiſting thoſe who are committed to our Care. And all theſe are implied in the Nature of our Office, as it is ſet forth in holy Scripture; wherein we are deſcribed as *Labourers*, and therefore muſt take Pains, and not ſpend our time in vain and idle Company: As *Teachers*, and therefore ought to be ſtored with a good Stock of Knowledge our ſelves, and be ready to communicate it to others: as *Paſtors*, and ſo we ought to look after our Flock, and not leave them to the careleſs Management of others, who are not ſo concerned for their Welfare, as we ought to be: As *Ambaſſadors from Chriſt*, and therefore we are bound to look after the Buſineſs we are ſent upon, and the great Weight and Importance of it, as to your own Salvation as well as others: As *Stewards of the Myſteries of God*, and the firſt thing required in them, is to diſcharge their Truſt honeſtly and faithfully, remembring the Account they muſt give to God.

But theſe, you may ſay, are only general Things, and do not determine and limit our Duties within certain Bounds; what is there which doth fix and determine our Duties, as to the Station we have in this Church?

II. I come therefore to the *Special Duties*, which by the Ancient Conſtitution of this Church, and the Eccleſiaſtical Laws of it, are incumbent upon you. And you are to conſider, that as the Law hath taken Care for your Maintenance and Subſiſtence in doing your Duties; ſo it doth ſuppoſe your careful Performance of them, not only in regard to the general Rule of Conſcience, but to that particular Obligation you are under, as Members of this Church. And therefore I ſhall enquire into two things:

I. The Duties you are under this Obligation to.

II. The Incouragement which the Law gives in Conſideration of it.

I. The Duties are of two ſorts:

1. Publick and Solemn. 2. Private and Occaſional.

1. Publick and Solemn; and thoſe either reſpect the Time, or the Duties themſelves.

1. As to the Times of Solemn and Publick Worſhip, which are the Weekly Lord's-days, and the other Holy-days.

1. I begin with the Obſervation of the Lord's-day; which I ſhall now make appear to have been ſet apart for the ſolemn Worſhip and Ser-

Service of God, especially by the Clergy, from the first Settlement of a Parochial Clergy in this Church.

In a Provincial Council held at *Cloveshoe* or *Cliff*, *A. D.* 747. the King and Nobility being present (where the Archbishop and Bishops Assembled for Regulating the Worship of God in Parochial Churches then newly erected in many places) the Fourteenth Canon is express, That the Lord's-day ought to be celebrated with due Veneration, and devoted only to Divine Worship (*Divino tantum cultui dedicatus*) *and the Presbyters are required to officiate in their several Churches, both in Preaching and Praying; and the People are required to let alone their common worldly Affairs, and to attend the publick Worship of God.* Concil. Angl. 1. 249.

The Canons of *Egbert*, Archbishop of *York*, are as clear and full for the *Northern as the other for the* Southern, *Can.* 104. *That nothing is to be done on the Lord's Day, but what tends to the Worship and Service of God.* And *Can.* 36. *That Christ sanctified the Lord's Day by his Resurrection.* But because these Canons of *Egbert* will be often used, something ought to be observed to clear their Authority. Sir *H. Spelman* saith there are several Ancient *MSS.* of them. Mr. *Selden* owns the *Cotton MS.* to be of the time of *H.* 1. but he suspects that another made the Collection, and put it under his Name. But it was no strange thing for the great Bishops to make such a Collection of Canons; for so it was done by *Theodore*, Archbishop of *Canterbury*; by *Theodulphus* of *Orleans*; *Isaac Lingonensis*, *Chrodegangus*, *Herardus*, *Hincmarus*, &c. And *Egbert* was not only a great Man, Brother to the King of the *Northumbrians*, but a great Promoter of Learning and Ecclesiastical Discipline, as appears by his Dialogue about the latter, and the other by *Alcuin*'s Epistles about him, and *Bede*'s Epistle to him a little before his death. And the Agreement between the Capitulars and these Canons might come from *Alcuin*'s carrying them over into *France* with him. Concil. Angl. 1. 258. Egbert. Dial. de Eccles. Instit. cum Bedæ Epistol. ad Egbert. Dublin, 1664.

In the *Saxon Canons*, *c.* 24. it is said, that the Lord's-day on which our Saviour rose from the Dead, is to be devoted wholly to the Service of God, excepting only Works of Necessity and Charity. Concil. Angl. 1. 600.

These Canons are translated from those of *Theodulphus*, Bishop of *Orleans*, *A. D.* 786. And it is observable, that as the Christian Religion prevailed in these *Northern* Parts, so the Religious Observation of the Lord's-day was enforced, as appears by the Canons of the *Gallican* Church, as well as this. As in the famous Canon of the Council of *Mascon*, *A. D.* 585. where the Bishops Assembled, complain of the Neglect of the Lord's-day, and agree to put the People upon a stricter Observance of it. And so before in the Council of *Orleans*, *A.D.* 538. But in both these Canons they avoid a *Jewish* Superstition as well as profane Neglect. They allowed both Works of Necessity and Conveniency, and did not place the Observation in a bare Rest, but in Attendance on the Worship of God; and forbad all manner of Secular Imployments which were inconsistent with it. Nay, *Theodulphus* his Canon goes higher, *Tantummodo Deo vacandum*, the whole Day ought to be spent in Religious and Charitable Imployments.

The greatest Men in our *Saxon Churches* asserted the same. *Bede* saith, *That the Apostles appointed the Lord's-day to be observed with Religious Solemnity, and therein we ought to devote our selves to the Worship of God; tantum divinis cultibus serviamus.* And to the same purpose speaks *Alcuin*, who was bred up under *Egbert*, Arch-bishop of *York*, and calls *Bede* the greatest Master of his time; and in another place he saith, Bed. T. 7. p. 639. Alcuin. de Offic. c. 7.

Epiſt. 5. 49. De Off. c. 40. One Seventh Day is ſet apart among Chriſtians, as another had been among the *Jews* for the Service of God; and that therein we ought to attend to the Care of our Souls and to lead a ſpiritual Life.

Bed. T. IV. 586. V. 583. II. 310. VIII. 930. *Bede* diſtinguiſhes between the *Patriarchal* and *Jewiſh Sabbath*. The latter he calls a *Carnal*, and the other a *Spiritual Sabbath*; the former lay in a ſtrict Abſtinence from Labour, but the other in Prayer, and Devotion, and Spiritual Contemplations. The *Jewiſh* Reſt, he ſaith, was *inutile*, *languidum*, & *luxurioſum*. For the *Jews* allowed Recreations and Sports on their Sabbaths; *Vacant ab opere bono*, ſaith he, *non ab opere nugatorio*. *Vacant ad nugas*, ſaith S. *Auguſtin*; but he ſaith, they had better plow or dig, than dance on that Day, or ſit in the Theater. And he tells us, That the Heathens objected againſt the *Jews*, That they ſpent one Day in the Week in Idleneſs. For they ſuppoſed the bare Reſt to be the Sanctification of the Day which was commanded, and the ſpending any part of it in the publick Worſhip, to be voluntary Devotion. But the better ſort of the *Jews* thought the *Reſt* was appointed for the Knowledge of the Law, and Spiritual Imployments. So *Philo*, *Joſephus*, *Aben-Ezra*, *Kimchi*, and *Menaſſeh ben Iſrael*. It ſeems moſt reaſonable in this Caſe to diſtinguiſh between the *Legal Reſt* ſtrictly required by the Fourth Commandment, and the *Original Reſt* in Remembrance of God's reſting from the Work of Creation. The former was a Sign between God and the People of *Iſrael*, as it is often called in Scripture; and the other was a Commemorative Sign, but ſuch as excited them to the Worſhip of the Creator; and therefore the *Patriarchal Sabbath*, as *Bede* obſerves, was of a ſpiritual Nature. And ſuch a ſpiritual Sabbath, as S. *Auguſtine* calls it, ought to be obſerved by Chriſtians in the Duties of God's Worſhip, as well as in ſpiritual and holy Thoughts. But the *Jewiſh* Sabbath, he often ſaith, doth not oblige Chriſtians. I the rather mention him, becauſe *Bede* followed his Doctrine herein; and that of *Gregory* I. who was the great Inſtrument of promoting the Converſion of our Anceſtors to Chriſtianity. And he declares himſelf fully, both as to the Ceſſation of the *Jewiſh* Sabbath, and the religious Obſervation of the Lord's-day. It ſeems there were ſome then, as there are among us now, who were for the ſtrict Obſervation of the *Saturday-Sabbath*. But *Gregory* ſaith, They might as well inſiſt upon *Circumciſion* and *Sacrifices*, as the *Jewiſh Sabbath*. But yet he adds, We ought on the Lord's-day to abſtain from worldly Imployments, and devote our ſelves unto Prayers, that we may make ſome Amends for the Weeks Negligence, by the Devotions on that Day. And this devoting the Lord's-day to the Service of God, is entred into the Body of the Canon Law; and taken out of *Ivo*, and by him from the Canons of the *Gallican Church*, as appears by ſeveral Councils.

Auguſt. in Pſal. 91. in Pſal. 32. 11. 6. De 10 Chordis. Enſeb. Præp. l. 8. c. 7. Joſeph. 2. c. Appion. Aben-Ezra in Exod. Kimchi ad Pſal. 92. Menaſſ. Concil. in Exod. Q. 35. Aug. c. Fauſt. l. 6. c. 4. c. Adimant. c. 2. 16. De Geneſ. ad lit. c. 11. 13. Epiſt. ad Jan. 19. c. 13. Greg. Epiſt. l. 11. c. 3. De Conſecr. Diſt. 3. c. 16. Conc. Narbon. Can. 4. Concil. Cabil. c. 18. Aquiſgran. c. 81. Arelat. VI. Can. 16. Rhem. 2. c. 35. Pariſ. VI. l. 3. c. 5. De Officio Archipresbyt. f. 29. 2.

Our *Lynwood* mentions that Canon as in force here, *Die Dominicâ nihil aliud agendum, niſi Deo vacandum*. And he takes ſome Pains to explain it, by diſtinguiſhing,

1. Works ſervile materially and formally, as Plowing, Sowing, Markets, Law-days, &c. theſe are generally forbidden.

2. Acts ſpiritual materially and finally, as all Acts of Piety and Devotion, and theſe we ought to attend upon with Care and Diligence.

3. Acts not ſervile in themſelves, but done for a ſervile End, as Studies and Deſigns for Gain.

4. Acts

4. Acts ſervile in themſelves, but not ſo in their End; as the Man's taking up his Couch on the Sabbath-day, whom Chriſt cured.

He affirms, that there is a Moral Part in the Fourth Commandment, which, he ſaith, is *a ſpiritual Reſt*, or a time ſet apart for God's Service: Which he takes from *Aquinas*, who ſaith the Subſtance of the Command is Moral; but he doth not make it to be one day in Seven, but ſome determinate time, which, he ſaith, the Church may appoint; but then it muſt be imployed in the Service of God (*vacare rebus divinis*) as things were ſaid to be ſanctified under the Law, which were applied to God's Service. But notwithſtanding this Judgment of *Aquinas*, ſome great Men in the Church of *Rome* have thought one day in Seven, Moral; and that the Proportion which God himſelf had appointed, cannot be leſſen'd. For although Mankind could not by natural Reaſon find out the Proportion, yet being once reveal'd, it doth not ceaſe to oblige, unleſs ſomething figurative and ſymbolical, or peculiar to the *Jewiſh* Nation be diſcovered in it.

Aquin. in Sent. *l.* 3. Diſt. 37. Qu. 1. Art. 2. 2.2.122.4. 1. 2. Q. 100. 1.

Bellarmine makes that the Reaſon of the Inſtitution of the Lord's-day, becauſe God's Law required that one day in Seven ſhould be ſet apart for the Worſhip of God; but the Apoſtles thought it not fit to obſerve the *Jewiſh* Sabbath, and therefore changed it into the Lord's-day.

Bell. de Cultu Sanct. *l.* 3. *c.* 11.

Covarruvius ſaith, That all Divines agree with *Aquinas*, That there is ſome thing Moral in the Fourth Command, which continues to oblige; and that the Lord's-day is of Divine Inſtitution. And to him the *Roman* Editors of the Canon Law referr, as to this matter.

Covarruv. Var. Reſol. *l.* 4. *c.* 19.

Azorius confeſſeth, That the Obſervation of the Lord's-day hath ſomething of the Divine and Natural Law in it, which requires one day in a Week ſhould be conſecrated to the Service of God, and that it is moſt agreeable to Reaſon. And he adds, That *Panormitan*, *Sylveſter*, and other Canoniſts held the Lord's-day to be of divine Inſtitution.

Azor. T. 2. C. 2. Q. 2.

Suarez ſaith, That the Church doth obſerve one day in Seven by virtue of the divine Law; that Proportion being ſo agreeable to Natural Reaſon, that it cannot be altered.

Suarez. de Rel. Tr. 2. *l.* 2. *c.* 1. n. 15. *c.* 4. n. 8, 9.

Thomas Waldenſis, who lived here in the time of *H.* 5. obſerves, *That even then there were two Extreams in Mens Opinions about the Obſervation of the Lord's-day; ſome allowed no kind of Work, and others, any.* But he ſhews, *That the Law of Nature requires ſome Solemn Days for Divine Worſhip; and that then there ought to be a Reſt from other Labours, becauſe they hinder the Mind from that Attention neceſſary to the Service of God: And neceſſary Works are left to a few, that others may be more at Liberty.*

Waldenſ. T. 3. Tit. 16. *c.* 140.

In the *Saxon* Laws we find many againſt the Profanation of the Lord's day by ſlaviſh Imployments, by Markets and Trading, by Folkmotes and Law-ſuits, *&c.* So that great care was taken then, that the Lord's-day ſhould be duly obſerved.

Ina LL. *c.* 3. Withred. *c.* 10. Alfred. *c.* 10. 11. Athelſt. *c.* 9. Edgar. *c.* 19. Ethelred. *c.* 15. Canut. *c.* 15.

After the *Norman* times, we have ſeveral Conſtitutions to inforce the ſtrict Obſervation of the Lord's-day. In the time of *H.* 6. *Hubert de Burgo* ſaith, That Cuſtom may derogate from other Holy-days, but not from the Lord's-day; becauſe they are not commanded by God, as that is,

Concil. Angl. II. 238, 372. 599. Pupill. Oculi, part. 9. *c.* 6.

Since the Reformation our Book of Homilies goes upon the ſame Grounds which were uſed in the *Saxon* times, *viz.* That the *Jewiſh Sabbath* doth not oblige us; but however to obſerve the like Proportion of time, and devote it to the Service of God.

Homily of the Place and time of Prayer.

Mr.

Eccles. Polity. *l.* 5. n. 70. Mr. *Hooker* saith, That we are to account the Sanctification of one day in Seven a Duty which God's immutable Law doth exact for ever.

But what is meant by this Sanctification of one day in Seven? If it be understood according to the old Canons, it will fill scrupulous Minds with more Doubts and Fears about the right Observation of it.

Orig. in Numer. Hom. 23. c. 28. Hom. 9. in Levit. 16. *Origen* saith, The Observation of the Christian Sabbath lies in these things; 1. A Forbearance of worldly Business. 2. Attendance on the Publick Worship. 3. Divine Meditation on things invisible and future. *Hæc est observatio Sabbati Christiani.* And in another place, he requires besides Publick Worship, private Meditation and Reading the Holy Scriptures.

Chrysost. Hom. 5. in Matth. 2. Hom. in Joh. Hom. 5. ad Pop. Antioch. Hom. 10. in Gen. St. *Chrysostom* insists very much upon the same in several places, and on different Occasions. And although it be in his popular Sermons, yet he would certainly not put them upon any thing, but what he thought very fit to be done. And they must have a mean Opinion of him, who think his Eloquence carried him too far in this matter.

De Officio Archipresbyt. *v.* Sanctifices. I shall conclude with the Opinion of *Lynwood*, a Learned and Judicious Canonist; and he observes a three-fold Sanctification of the Lord's-day. 1. By Abstinence from Sin, which is necessary at all times. 2. By Abstinence from such bodily Labours as hinder the Minds Attendance upon God's Service. 3. By the whole Imployment of our Minds in Divine Matters; and this he calls the perfect Observation of it.

These things I have the more largely insisted upon, to shew, that the religious Observation of the Lord's-day, is no Novelty started by some late Sects and Parties among us, but that it hath been the general Sense of the best part of the Christian World, and is particularly inforced upon us of the Church of *England*, not only by the Homilies, but by the most ancient Ecclesiastical Law among us.

But this is not all, for the Ancient as well as Modern Canons require the Observation of Holy-days likewise. The Canons of *Egbert* require not only Prayers, but Preaching then, *Can.* 1. 3.

The Council of *Cloveshoe*, *Can.* 13. distinguishes the Holy-days relating to our Saviour, from the rest; and saith, they are to be observed in a solemn and uniform Manner, and the rest according to the *Roman Martyrology:* Which, I suppose, were those repeated then in the Diptychs of the Church; which custom continued longer at *Rome*, than in other Churches; but it was generally disused before the time of *Charles* the Great.

Alcuin. de Offic. c 40. Wilthem. in Diptych *Leod.* c. 8.

The Custom in *Rome*, in *Gregory*'s time, was to observe the Saints-days with the solemn Service at one Church, as appears by his *Homilies* on the Evangelists, which were many of them preached on those Occasions; as of S. *Felicitas*, *Hom.* 3. S. *Agnes*, *Hom.* 11, 12. S. *Felix*, *Hom.* 13. S. *Pancrace*, *Hom.* 27, &c. and of others who were *Roman* Martyrs; and therefore had a particular Solemnity appointed for them. But as to other Saints-days, it appears by the *Antiphonarius* and *Sacramentary* of *Gregory* I. that they had particular Anthems and Collects proper for them in the Offices of the Day; but I do not find that the generality of the People were so strictly tied up, when the Offices were over, as they were on the Lord's-day, and the greater Festivals relating to our Saviour. In the Council of *Cloveshoe*, *Can.* 13. I observe that the *Natalitia Sanctorum*, i. e. the Anniversary Saints-days, were observed with particular Psalmody and Anthems; and *Can.* 17. the days of *Gregory* and

and *Auguſtine*, the two great inſtruments of converting the Nation, were only to be kept as Holy-days by the Clergy, without any particular Obligation on all the People. So that the Holy-days of ſtrict Obſervation then, ſeem to have been no other than thoſe which relate to our Saviour, called *Dominicæ Diſpenſationis in carne Feſtivitatis*; the reſt had ſome proper Offices which were performed on their days; but the People were to attend them, as well as they could; but after there was not this ſtrictneſs required, as upon the greater Holy-days; and as it was in the Church of *Rome* afterwards, when they made the Obligation of Conſcience to extend to all Holy-days appointed by the Church. But it is obſervable, (1.) That this Obligation is taken from thoſe Canons which mention only the Lord's-day, as appears by *Bellarmine*. (2.) That they kept up the Diſtinction of greater and leſſer Holy-days. (3.) That they allow the Biſhop to diſpenſe, as to ſome Works on Holy-days. *Lynwood* obſerves, that the Abſtinence from Work is not alike, but as the Church hath required it; and that if a Biſhop's Licence cannot be had, a leſs will ſerve. Our Church, *Can.* 13. requires Holy-days to be obſerved with Works of Piety, Charity, and Sobriety; but gives no Rule as to Abſtinence from Works, or the ſtrict Obligation of Conſcience.

De Cultu Sanct. *l.* 3. *c.* 10.

De Feriis, *f.* 52.

2. I now come to the particular Duties of the Clergy on the days which are ſolemnly devoted to the Service of God.

1. The conſtant and devout Attendance upon, and ſolemn Reading the Prayers of the Church, as they are appointed. In the old *Saxon Canons* the Presbyters are required to officiate conſtantly at Prayers in their Churches; ſo in the Council at *Cloveſhoe*; *Can.* 8. the Canons of *Egbert*, *Can.* 2. Canons of *Edgar*, *Can.* 45.

Concil. Angl. 1. 247.

But how if the People will not come to the Prayers? You ought, what lies in you, to remove the Cauſes of ſuch Neglect; which ariſes generally from theſe things; either groſs Stupidity and Regardleſneſs of Religion, which is too common in the World, or from Prejudice and Principles of Education, or the Intereſt of a Party; or from not Reading the Prayers with that Attention and Devotion which is fit to raiſe an Eſteem of them. The other two, you ought to do what you can to remove; but this is your own Fault if you do it not. We are not to pleaſe the Fancies of People by an affected Variety of Expreſſions in Prayers; but we ought to do what we can to excite their Affections, which is done as much by the due manner of Reading, as by Figures in ſpeaking. And the People are uneaſie at ſtaying, when they ſee the Miniſter read them ſo faſt, as though he minded nothing ſo much as to be at the end of them; or when he mangles them ſo, as if he had a mind to make the People out of love with them.

2. The next Duty is Preaching; and truly that need to be looked after, when the Eſteem of our Profeſſion depends ſo much upon it: We have none of thoſe Methods which thoſe on both ſides make ſo much uſe of; we can neither comply with the People in Geſtures, and Phraſes, and Enthuſiaſtick Heats, nor with Superſtitious Devotions and Prieſt-craft of others. Of all Churches ours hath the leaſt Reaſon to be charged with it ſince they let go ſo many Advantages over the People by the Reformation. Thanks be to God, we have Scripture, and Reaſon, and Antiquity of our ſide; but theſe are dry and inſipid things to the common People, unleſs ſome Arts be uſed to recommend them. But ſince our main Support lies in the Honeſty and Juſtice of our Cauſe,

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without Tricks and Devices, we ought to look very well to that part of our Profeſſion which keeps up any Reputation among the People; and that is Preaching. Thoſe who are ſo weak or lazy, as to be glad to have that laid aſide too, in a great Meaſure, never well conſidered the Deſign of our Profeſſion, or the way to ſupport it. It's true, for ſome time Preaching was an extraordinary thing in the Church; and none but Great and Eloquent Men of Authority in the Church were permitted to preach, and the greateſt Biſhops were then the Preachers, as appears by the Sermons of S. *Ambroſe*, S. *Chryſoſtom*, S. *Auguſtine*, &c. And even ſome of the Biſhops of *Rome*, whatever *Sozomen* ſaith, were frequent Preachers, as appears, by *Gregory*'s Homilies on *Ezekiel* and the *Goſpels*. And if it were not then practiſed he did very ill to complain of the Burden of it, and the danger of neglecting it. But in other Churches while the Biſhop and the Presbyters lived together, before Parochial Cures were ſettled, the Presbyters had no conſtant Office of preaching, but as the Biſhops appointed them occaſionally. But afterwards when the Presbyters were fixed in their Cures, they were required to be very diligent and careful in preaching, or inſtructing the People committed to their Charge, as may be ſeen in many early Canons of the *Gallican* Church; and ſo it was here in *England:* Council of *Cloveſhoe*, *c.* 8. 14. *Egbert*, *Can.* 3. and that not only in the moving way in the Pulpit, but in the familiar and inſtructing way, which we call *Catechizing*; *Council Cloveſhoe*, *c.* 11. *Can. Egbert.* 6. Both ought to be done, becauſe they are both very uſeful. The Principles and Foundations of Religion muſt be well laid, to make the People have any Taſte or Reliſh of preaching; otherwiſe it is like reading Mathematicks to thoſe who underſtand not Numbers or Figures. *Eraſmus* obſerves, that the Senſe of Religion grows very cold without preaching; and that the Counteſs of *Richmod*, Mother to *H.* 7. had ſuch a Senſe of the Neceſſity of it in thoſe times, that ſhe maintained many Preachers at her own Charges, and imployed Biſhop *Fiſher* to find out the beſt qualified for it. And ſince the Reformation the Church of *Rome* hath been more ſenſible of the Neceſſity of it, as appears by the Council of *Trent*. Cardinal *Borromeo*, one of the moſt celebrated Saints ſince that time, frequently inſiſts upon it, gives Directions about it, and ſpeaks of it as a thing, which tends very much to the Glory of God, and the Salvation of Souls. And to the ſame purpoſe other great Men among them, as Cardinal *Palæotus*, *Godeau*, *Bordenave*, and others. Would it not then be a great ſhame for us, who pretend to a Zeal for Reformation and the true Religion, to neglect or leſſen the Reputation of thoſe things which our Adverſaries have learnt from us, and glory in them; and thoſe are Diligence in *Preaching* and *Catechizing?* Which none can deſpiſe who value Religion, none can neglect who have any Regard to the Intereſt or Honour of their Profeſſion.

Soz *l.*7. *c.* 19. Regiſt. *l.* 1. 24. Concil. Vaſenſ. 2. *c.*2.Turon. 3. *c.* 17. Arel. 6. *c.* 10. Capitul. 1. 160. Reginold. 1. 205. Capit. 11. *c.* 5. Eraſm. Præfat. ad Eccleſ. Seſſ. 24. *c.* 4. de Reform. Act. Eccleſ. Mediol. 442. 450. Palæot. de Adminiſtr. Eccleſ. Bonon. part. 2. p. 34. Godeau ſur les Ordres, p. 458. Bordenave de Egliſ. Cathedral. 670. Tertul de Baptiſ. *c.* 19. Leo Ep. 78. Ambroſ. Serm. 61. Theodulph. de Ordine Baptiſm. *c.* 8. Alcuin. de Bapt. Cerem. *p.* 1151, Auguſt. de Symbol. ad Catech. *l.* 2. *c.* 1. De Fide & Oper. *c.* 6. Auguſt. Serm. 60.

3. The next duty is the ſolemn Adminiſtration of the Sacraments, which ought to be done in the publick Aſſemblies, where is not a great Reaſon to the contrary. The *Saxon Canons* are expreſs, that Baptiſm, unleſs in Caſe of Neceſſity, ſhould be adminiſtred only in due times and places, *Egbert Can.* 10, 11. While the ancient Diſcipline was kept up, and Baptiſm only celebrated at the great Feſtivals, there was a neceſſity of its being publick; and the Catechumens underwent ſeveral Scrutinies, which laſted ſeveral days in the Face of the Church, as S. *Auguſtine* obſerves, after they had been kept under private Examination for

ſome

ſome time before. But when whole Nations were not only converted, but Infants generally baptized, the former Method of Diſcipline was changed. But yet the Church retained her Right as to Satifaction about the due Admiſſion of her Members. And that is the true Reaſon why, after private Baptiſm, the Child is required to be brought to the publick Congregation. For Baptiſm is not intended to be done before a ſelect Number of Witneſſes, but in the Face of the Church, which is the regular and ſolemn way; however, the Biſhop may diſpenſe in ſome particular Caſes, which he judges reaſonable. At firſt Baptiſm was adminiſtred publickly, as occaſion ſerved, by Rivers; as *Bede* ſaith, *Paulinus baptized many in the Rivers, before Oratories or Churches were built.* Afterwards the *Baptiſtery* was built at the Entrance of the Church, or very near it; which is mentioned by *Athanaſius*, S. *Chryſoſtom*, S. *Ambroſe*, S. *Auguſtine*, &c. The *Baptiſtery* then had a large Baſon in it, which held the Perſons to be baptized, and they went down by Steps into it. Afterwards when Immerſion came to be diſuſed, Fonts were ſet up at the Entrance of Churches: But ſtill the place was publick. But in Caſe of Neceſſity there is a Form preſcribed; and I not ſee how any, without leave, can uſe the form of publick Baptiſm in private Houſes; which is againſt both our Ancient and Modern Canons. In the *Greek* Church it is Deprivation to do it; and do the Synod under *Photius* confirms it, both as to the *Euchariſt* and *Baptiſm*, becauſe publick Order is to be preſerved. But it is there underſtood to be done in oppoſition to the Biſhop's Authority, whoſe Conſent may make the Caſe different, if they judge it reaſonable. But Miniſterial Officers are not Judges in an equitable Caſe againſt a ſtanding Rule.

Bed. *l.* 2. *c.* 14.

Concil. in Trullo, Can. 31, 59. Syn. A. & B. Can. 12.

4. Another Duty of the Parochial Clergy is, to be able and ready to reſolve Penitential Caſes, which relate to the internal Court of Conſcience, and not the external and judiciary Court, which reſpects the Honour of the Church, as to ſcandalous Offences committed by the Members of it. And this takes in the *private* and *occaſional* Duties of the Parochial Clergy; for they ought to inform themſelves of the Spiritual Condition of their People, that they may be able to give ſuitable Advice and Directions to them both in Health and Sickneſs: But chiefly to be able to give them ſafe and ſeaſonable Advice under troubles of Conſcience by reaſon of wilful Sins. *Duarenus*, a very conſiderable Lawyer, thinks the main Buſineſs of the Clergy, as to the Cure of Souls, lies in the Power of Binding and Looſing, *i. e.* in dealing aright with the Conſciences of Men, as to the Guilt of their Sins. And the Rules of the penitential Court, are different from thoſe of the Eccleſiaſtical Court, as well as the end is different. In the *Saxon* times, there were both here. There were Eccleſiaſtical Law which related to Judicial Caſes, wherein a publick Penance was injoyned in order to the Churches Satisfaction.

Duaren. de Benef. *l.* 2. *c.* 7.

Concil. Angl. I. p. 194. Theod. Capit. 55, 57. L. L. Canut. *c.* 22, 23. L. Edmund. Cap. 4. Theod. Capit. *c.* 13. Regino *l.* 300.

But there were many Cauſes which were not publick, and yet great Care was to be uſed, as to the Direction of Penitents, as appears by the Penitentials of *Theodore* and *Bede* in the *Saxon* times. Whereby we learn that a difference was to be obſerved, as to the nature of Offences, and the Circumſtances of Perſons and Actions, and the Meaſure of Contrition; and the particular Method is ſet down in the penitential Books, which was in very material Circumſtances different from the Methods uſed in the Church of *Rome*. But it is a thing neceſſary for every Parochial Miniſter to be able to ſettle doubting Conſciences, and

to put them into the beſt Methods of avoiding Sin for the Future, without which the Abſolution of the Prieſt ſignifies nothing. For where God doth not abſolve, the Church cannot.

5. Giving a good Example to the People committed to your Charge. This is often mentioned in the *Saxon* Canons: Council at *Cloveſhoe*, *c.* 8. Canons of *Egbert*, 14, 15, 18, 19, 33. in the Laws of *Alfred*, *c.* 3. of *Edward c.* 3. *Conſtit.* of *Odo. c.* 4, 5. of *Edgar*, 57, 58, 59, 60, 61, 64. of *Canutus*, *c.* 26. And in the Concluſion of one Collection of his Laws are theſe Words, *Happy is that Shepherd, who by his good Life and Doctrine leads his Flock to Eternal and Heavenly Joys; and happy is that Flock that follows ſuch a Shepherd, who hath reſcued them out of the Devil's Hands, and put them into God's.*

6. Laſtly the Performance of all theſe Duties ſuppoſes a conſtant Reſidence among your People; without which it is impoſſible to diſcharge them in ſuch a manner, as to give them and your ſelves full Satisfaction. This, I am ſenſible, is a very nice and tender Point; and the Difficulties of it do ariſe from theſe things: On one ſide it is ſaid,

1. That there is an Allowance by the Law given to ſeveral Perſons to hold more Benefices than one; and ſince the Diſtribution of Benefices is not by the Law of God, but by the Law of the Land, what Fault is there in making uſe of the Privileges which the Law gives? But there cannot be conſtant Reſidence in more Places than one.

2. That the general Service of the Church is more to be preferred than taking Care of a particular Pariſh; becauſe the neceſſary Duties of a Pariſh may be ſupplied by Perſons approved by the Biſhop, and a ſingle Living ſeldom affords a ſufficient Competency for perſons to be capable of publick Service.

3. That the way of Subſiſtence for the Clergy, is now much altered from what it was when Celibacy was enjoyned. For a Competency was always ſuppoſed where Reſidence was ſtrictly required; and what was a Competency to a ſingle perſon, is not ſo to a Family.

4. That the Church hath a power of Relaxing the ſeverity of Ancient Canons from the different Circumſtances of things: And when the general good of the Church may be more promoted therein; as in the Removal of Clergymen from one Dioceſs to another, and the Tranſlation of Biſhops.

5. That the Caſe is now very different, as to Diſpenſations, from what it was in the Church of *Rome*, as to the number of Benefices, and the manner of obtaining them that a great Reſtraint is laid by our Laws upon Pluralities, and our own Metropolitan is the Judge when they are fit to be granted.

But on the other ſide it is objected,

1. That in the firſt Conſtitution of Parochial Churches, every Incumbent was bound to a ſtrict Reſidence; ſo in the Canons of *Egbert*, *Can.* 25. Presbyters are ſaid to be ſettled in thoſe Churches, which had a Houſe and Glebe belonging to them; and many Canons were then expreſly made, that no Perſon ſhould have more than one Church; and it is ſaid in the Capitulars, that this had been ſeveral times decreed. And ſo it is in *Herardus* his Collection of Canons, *Can.* 49. in *Iſaac Lingonenſis*, *Tit.* 1. *c.* 24. in *Chrodegangus*, *c.* 67. in *Ivo Carnotenſis*, *part.* 3. *c.* 51. in *Regino*, *l.* 1. *c.* 254. The like we find in the *Spaniſh* Churches, *Concil. Tolet.* 16. *c.* 5. and thence in the Canon-Law, *C.* 10. *Q.* 3. *c.* 4. and in the *Greek* Churches, *Concil.* 7. *Can.* 15. *C.* 21. *Q.* 1. *c.* 1.

Capit. *l.* 6. *c.* 73, 75. Addit. 2. *c.* 10.

And

And as ſoon as the Abuſe crept into theſe Weſtern Churches, it was complained of, and endeavoured to be redreſſed, *Concil. Pariſ. 6. c. 49. Concil. Aquiſgran. 2. part. 2. c. 5. Concil. Matenſ. c. 3.* That afterwards, not meerly the Mendicant Friars complained of them, as ſome have ſuggeſted, but ſome of the greateſt Biſhops have been zealous againſt them, as *Gulielmus Pariſienſis*, *Peraldus*, Archbiſhop of *Lions*, *Jacobus de Vitriaco* Biſhop of *Acon*, *Robert de Chorton*, Cardinal *Guiard* Biſhop of *Cambray*; and *Gregory* IX. declared, That he could only diſpenſe with the Penalty of the Law. After a ſolemn Diſputation at *Paris*, it was determined againſt Pluralities, if one Benefice be ſufficient; and all the Divines joyned with the Biſhop therein, except two; ſo that it ſeemed to be the current Opinion of the Learned and Pious Men of that time. *Aquinas* ſaith, *It is a doubtful Point*, but *Cajetan* is poſitive againſt them. So that all the Zeal againſt Pluralities, is not to be imputed to the Piques of the Friars againſt the Secular Clergy; although there is no queſtion but they were ſo much the more earneſt in it; but in the Council of *Trent* the Biſhops of *Spain* were the moſt zealous, as to the Point of Reſidence, and the Friars againſt it, as appears by *Catharinus* and others.

Gul. Pariſ. de Collat. Benef. c. 6. Perald. Sum. Vit. To. 2. de Avarit. c. 11. Sect. 1. Canti-prat. de Apibus l. 1. c. 19. n. 5. Hiſt. univerſit. Pariſ. Seculi. 5. p. 164. Aquin. Quæſt. Quodlibet. Q. 9. Art. 15. Caj. ad 2. 2. q. 185. R. 5.

2. Setting aſide all Authorities, the Argument in Point of Conſcience, ſeems the ſtrongeſt againſt Non-reſidence; becauſe perſons have voluntarily undertaken the Cure of Souls within ſuch Limits; and although the bounds be fixed by human Authority, yet ſince he hath undertaken ſuch a Charge perſonally, knowing thoſe Bounds, it lies upon his Conſcience to diſcharge the Duties incumbent upon him, which cannot be done without conſtant Reſidence, as the Magiſtrates are bound in Conſcience to do their Duty, although the Bounds are ſettled by human Laws: And ſo in the caſe of Property, human Laws bind ſo that it is a Sin to invade what is ſettled by them. And if it be left to a Man's Conſcience, whether a Man anſwers his Obligation more by perſonal Attendance, or by a Curate; whether the Honour of Religion, and the good of Souls be more promoted, and the Peace of his own Mind ſecured by one or the other, it is no hard matter to judge on which ſide it muſt go. It is impoſſible to defend all the Arguments uſed in the old Canons againſt Pluralities, as that Polygamy is unlawful under the Goſpel: So that, *as a Biſhop hath but one City, and a Man but one Wife, ſo a Presbyter ought to have but one Church: That no Man can ſerve two Maſters*, &c. but all their Reaſons were not of this ſort. For, the Council of *Toledo* ſpeaks home, *That one Man cannot perform his Duty to more than one Charge.* To the ſame purpoſe the ſixth Council at *Paris*; and withal, *That it brings a Scandal on the Chriſtian Church, and an Hinderance to the publick Worſhip, and the good of Souls, and ſavours too much of a worldly Mind*; which are weighty Arguments.

Concil. Tolet. 16. c. 5. C. 10. Q. 3. c. 3. Concil. Pariſ. 6. c. 49.

The only conſiderable thing on the other ſide, is, *That the Biſhops are to take care that the Places be duly ſupplied; but whether it be done by Parſon, Vicar or Curate, is not material.* But this will not hold. For, (1.) the Care of Souls is committed perſonally to him that doth undertake it. And a Regard is had to the Qualifications of the Perſon for ſuch a Truſt, by the Patron that Preſents, and the Biſhop who admits and inſtitutes the Perſon ſo qualified. (2.) The old Canons were very ſtrict as to perſonal Reſidence, ſo as to fix them in their Cures from which they could not go away when they pleaſed, which they called *Promiſſionem ſtabilitatis.* Our *Saxon* Canons are clear, as to the perſo-

Capit. l. 5. c. 108. Capit. l. 6. c. 200. l. 7. c. 245.

nal Cure, *Can. Egbert.* 1. 4, 6. *Populo ſibi commiſſo*; and no Presbyter could leave his Cure and go to another only for Honour or Profit, *Can.* 13. And none could go from one Biſhop to another, without his Dioceſan's Leave, *Concil. Herudford. c.* 5. *Egbert. de Eccleſ. Inſtit. p.* 97, 100. And when the Biſhop gives Inſtitution, he commits the Care of Souls to the Incumbent, and not meerly the Care that Divine Offices be there performed.

But yet it is well obſerved by *Aquinas*, That *if the having more Benefices than one were a thing evil in it ſelf, it could in no caſe be diſpenſed with; but there are ſome Actions which in general are irregular, yet in ſome caſes may be juſtified; eſpecially, if they be extraordinary, as to publick Service and Uſefulneſs*, &c.

Cajet. Sum. V. Beneſ. 1. 6. In 2. 2. q. 185. *R.* 5. And to the ſame purpoſe *Cajetan* ſpeaks, but he ſaith, *The Caſes that make it lawful, muſt relate to a Publick, and not a Private Good*; but he mentions theſe things which excuſe from Reſidence; 1. *Lawful Impediments*, as to Health, *&c.* 2. *Publick Service.* And others ſay, a *Geometrical Proportion* ought to be obſerved in the Diſtribution of Eccleſiaſtical Benefices, and not an *Arithmetical*, i. e. A Regard ought to be had to the Merits and Capacities of Perſons; as a Commander hath more Pay than many common Soulders; but this reaches only to the Value, and not to the Number of Benefices.

Filliuc. tr. 41. c. 7. n. 6.

But the Queſtion ſtill remains, whether a Legal Diſpenſation take not off the Obligation in Point of Conſcience, ſince it is allowed by Law, and the Curate appointed by the Biſhop, who committed the Cure of Souls to him?

In anſwer to this, we muſt conſider,

1. That the Law propoſes in Diſpenſations very allowable ends, as *Publick Service, Incouragement of Learning, Reward of Merit*; and therefore *Doctors by Favour* have not the Privilege which others have; and in caſe of *Incompetency*, as it was then judged, no Legal Diſpenſation was needful.

Concil. Nanet. *c.* 8. Regino Inquiſit. Art. 46. Baluz. Append. ad Regin. 604, 608, 612. Thomaſſin. Part. 3. *c.* 42. *n.* 9. Can. Apoſt. 15. Nicen. *c.* 16. Antioch. 3. Laodic. 42. Calced. 10. 20. Cod. Afric. *c* 54. Creſc. Coll. Tit. 17. Con. Herud. *c.* 5. Can. Edgar. 8. Egbert. Can. 13. Capitul. *l.* 5. *c.* 175

2. Some Ancient Canons took care of the ſupply of the Place by competent Perſons, and in that caſe abated the Rigour of the Canon. For *Sirmondus* ſaith in the Canon of the Council of *Nantz*, againſt Pluralities, this Clauſe was added, *unleſs he hath Presbyters under him to ſupply the Duties of his Place:* And the ſame Clauſe is in *Regino, l.* 1. *c.* 254. and *Regino* puts it among the *Articles of Enquiry*, as to the Clergy, *If any had more Churches than one without Presbyters to aſſiſt him.* And in their old *Admonition* to them at *Viſitations* it is to the ſame purpoſe, but in others it is left out. *Thomaſſin* is of opinion, that the former enquiry related to thoſe who had *Chapels*, and not to more *Churches*, becauſe then there were none that had Titles upon anothers Benefice; but theſe Words are expreſs as to more Churches. It's true, there were no ſuch *Titles* then; for a *Title* in the old Canon Law, was the Relation which a Clergyman ſtood in to the Biſhop of his Dioceſs, being one of his Clergy; and ſo the *Greek Canoniſts* underſtand a Man's not being ordained *without a Title, and not having two Churches*; *i. e.* not to have Relation to two *Dioceſſes*, and ſo *ſine Titulo* is without being owned by ſome Biſhop; and this was that which they thought ought to be ſtrictly obſerved; and to which purpoſe many Canons were made, both ancient and later; and if any deſerted their Biſhop, they were liable to Deprivation. Afterwards the Word, *Title*, came to be applied to Parochial Churches; but there were ſome who found out,

out, that the Ancient Canons had another Senſe. Thence in the Council of *Placentia* in the *Canon Sanctorum Diſt.* 70. *c.* 2. it was decreed, *That one might have two Churches in the ſame Dioceſs, but not two Preferments in ſeveral Cathedrals.* And in the Council of *Clermont*, *A. D.* 1095. the reaſon is given, *becauſe according to the Canons no Man could have two Titles*; and every one was bound to hold to the *Title* to which he was firſt ordained. But after all, the Council of *Nantz* ſhews plainly, that mere parochial *Titles* were then allowed, if well provided for, by ſuch perſons as the Biſhop of the Dioceſs approved. Now this very much alters the State of the caſe; for then the Obligation is *Real*, and not *Perſonal*. Concil. Nanet. *c.* 8.

3. It was agreed by the Ancient Canons, that where there was an Incompetency of Maintenance, they allowed an Union for Support; now that is but the Biſhop's Act in joyning what had been divided, ſuppoſing a ſufficient Subſiſtence. And a reaſonable Diſtance with the Biſhop's Allowance, hath the ſame Equity; *i. e.* the Biſhop's Act may unite two ſmall Benefices for a Support, not by a perpetual Union, but ſo long as he ſees cauſe, which our Law doth ſtill allow, under ſuch a Value. But it is rather a Diſpenſation than an Union; for the Rights continue diſtinct. In the Court of *Rome* there were Prerogative Unions *ad Vitam*, which were very ſcandalous, and are owned by the beſt Canoniſts to be deſtructive of all Order, and invented to defeat the Canons againſt Pluralities. But the Unions which the Law allows, are only thoſe where two diſtinct Benefices are made one for a competent Subſiſtence; and then if the Union be reaſonable, the Diſpenſation within due Diſtance is ſo too. *Balſamon* ſaith, *In the* Greek *Church Pluralities are not forbidden, if they be near, and under the ſame Biſhop*; but they did not allow the ſame Man to be under two Biſhops. In the *Capitulars* that Clauſe is added, that no Man ſhall have more Livings than one, *ſi Facultas ſuppetit*, if it affords a reaſonable Subſiſtence. Concil. Tolet. 16. *c.* 4. C. 10. Q. 3. *c.* Unio. Compegius de Union. *n.* 1, 8, 10, &c. Azor. p. 2. *l.* 6. *c.* 28. Flam. Pariſ. de Reſign. *l.* 12. *c.* 3. *n.* 49. Addit. 2. *n.* 10.

And therefore in caſe of Incompetency of Maintenance, of a good Proviſion for Curates, and of publick Service, the ſeverity of the Ancient Canons is with Reaſon abated, and a perſon is ſuppoſed to undertake the Cure, with thoſe Meaſures which the Law and Canons allow. But every Man who regards the doing his Duty out of Conſcience, will conſider how much lies upon himſelf; and that the original Intention of the Church and Laws was, That no Man ſhould undertake more than he was willing and ready to diſcharge, as far as one Man's Abilities could go. For, in great Cities, one great Pariſh requires more than ſeveral Churches in the Country; and in ſuch caſes an equitable Conſtruction muſt be put upon ſuch Canons, which require perſonal performance of theſe Duties.

OF

OF THE MAINTENANCE OF THE *PAROCHIAL CLERGY*, BY LAW.

THE Subject I intend now to consider, is the Incouragment which the *Parochial Clergy* have by Law for the doing their Duties: Which are the *Manse*, the *Oblations*, and the *Tithes*.

I. The *Manse*, or *House* and *Glebe*. In the Canons of *Egbert* it is said, *Can.* 25. *That an entire Manse ought to belong to every Church, without any other than Ecclesiastical Service.* By a *Manse*, Mr. *Selden* saith in the old Charters the same is meant *as a Casat or Hyde of Land. Bignonius* and *Sirmondus* say, *So much Glebe as was an Imployment for an Husbandman and two Servants. Spelman* saith, *It takes in the House too. Lynwood* saith, *As much Land as would imploy a Yoke of Oxen*; and so the *Gloss* on the *Canon Law*. But in another place the *Gloss* saith, *The Manse is the original Endowment of the Church, without which it cannot be supplied:* And without which it could not be consecrated. For the Endowment was first to be produced before the building. *Collatâ primitùs donatione solenni*, are the Words of the Canon Law. And the same appears by *Concil. Valent.* 3. *c.* 9. *Concil. Bracar.* 2. *c.* 5. *Vit. Udalrici c.* 7. *Regino l.* 1. *c.* 23, 24. which is there explained to be *a substantial Sustenance* for those who were to attend the Service of that Church. And in the Acts of Consecration of a Parochial Church in *Baluzius*, the Bishop in the first place declares himself satisfied with the Endowment, *unde dignè domus dei sustentaretur.* And upon this the *original Right of Patronage*, was founded, not upon *the Soil*, which gave no Title, where there was not a Church built and endowed with a competent Subsistence. So that all *Advowsons* or *Rights* of *Presentation* in private *Patrons*, were at first *Appendant* to Manors, and not in *Gross*; because the Right came from the Endowment out of the Manor: And the Name of *Patron* in the sense of the *Feudal Law*, is the same with Lord of the Fee, and so *Beneficium* is a *Feudal* Term; and till the *Feudal Law* prevailed, the Name of *Patron* is rarely used in this Sense. And when it came to be used, the *Patrons* in *France* would have brought those who had their *Benefices* to a kind of *Feudal Service*, and to have received *Investiture* from them. This Mr. *Selden* drives at, as though the *Patrons* had the Right of Investiture belonging to them, because some such Practice is often complained of in the *French* Canons, and as often condemned, not meerly by Ecclesiastical Canons, but by as good Laws as any were then made. It cannot be denied that bad

Baluz. ad Capit. 1148.
Selden of Tythes, p. 53.
Bignon. ad Form. Marc. p. 980.
Sirmond. ad Capit. p. 768.
Lynw. *f.* 44. Extr. de Censib. *c.* 1.
C. 23. Q. 8. *c.* 24.
De Consecr. Dist. 1. *c.* 9.
C. 16. Q. 7. *c.* 26.
Baluz. Append. ad Reginon. p. 622.
Ext. de Eccles. adific. *c.* ad Audientiam.
Seld. 85, 86.

bad Practices are the occasion of making good Laws; but doth it follow that those Practices which were against Law, were the Law of that time? Yet this is Mr. *Selden*'s way of arguing; he grants, *That there were Laws made but they were little obeyed.* Must we therefore conclude those illegal Practices to have been the standing Law, and the Laws themselves to be illegal? There were two things aimed at by those *Patrons.* 1. To keep the Clergy in a sole dependance on themselves, without Regard to the Bishop's Authority. 2. To make such Bargains with them as they thought, fit, both these were thought necessary to be redressed by Laws, since the Canons were slighted by them. And if the Practice be good against Law in one case, why not in the other also? Why is not *Simony* justified, as well as the *Patron*'s absolute Power over the Incumbents? But the Laws were severe against both. For in the time of *Lud. Pius*, *A. D.* 816. there was a solemn Assembly of the Estates of the Empire, where several Ecclesiastical Laws were passed, and among the rest, these two: F. 89.

1. *That no Presbyters should be put in or put out of Churches, without the Authority and Consent of the Bishops; and that the Bishops should not refuse those who were presented, if they were* probabilis Vitæ & Doctrinæ, *i. e.* such as the Bishops could not object against either for Life or Learning. 2. *That every Church should have an entire* Manse *belonging to it, free from any Feudal Service; but if they had other Estates of their own, for them they were to answer to the Lords of the Manor, as others did.* And from hence this came into the Collections of *Ivo*, *Regino*, *Burchardus*, and *Gratian*, and passed for a Law generally received. As to the former, a new Sanction was added to it in another Assembly at *Worms*, *A. D.* 829. *c.* 1. and repeated in the *Capitulars*, *l.* 5. *c.* 98. *Addit.* 4. *c.* 95. and the like to the latter, *l.* 5. *c.* 100. *Capit. A.* 829. *c.* 4.

Capit. 816. *c.* 9. Capit. 1, 84, 141. Ivo p. 3. *c.* 55, 174. Regino *l.* 1. *c.* 24. Burch. *l.* 3. *c.* 52. C. 23. *q.* 8. *c.* 24, 25.

But it seems there were some still continued obstinate in their former Practices, and therefore these Laws were re-inforced in another Assembly, *A. D.* 869. in the time of *Carolus Calvus*, who mentions the Laws of his Father and Grand-father to the same purpose, *c.* 9. and there takes notice of the Contrivances made use of to defeat the Intention of those Laws; and the bottom of all is there said to be *abominable Simony.* Which shews, what it was which these *Patrons* aimed at, by claiming *Investiture* without the Bishop. And it was then judged necessary, that the Bishop's Consent was required to prevent this Mischief. But still some *Patrons* required *Feudal Service* for the Glebe they had given to the Church; but the Law commands them to restore it free from such Service, *Capit. l.* 5. *c.* 100. *Addit. l.* 4. *c.* 98. 163. And after much struggling, *Hincmarus*, who lived at that time, saith, *That these Laws were observed.* The *Patron*'s Right by Virtue of the Endowment, was not disputed; but an Arbitrary Power, as to the Incumbents, was utterly denied them; and they were put under the Bishop's Care, who was to receive Complaints against them, and to proceed according to the Churches Canons. But I am apt to think that all this stir in *France* did not arise from the pretence of original Donation and Endowment of Churches, but from the Infeodation of *Church-Lands* and *Tithes*, by *Charles Martel* (as an old *MS.* in *Filesacus* saith) and others in *France* whose custom it was *to give them in Recompence to their Souldiers*, who then looked on them as their own, and were hardly brought to any reasonable allowance for the Clergy which supplied them. These were called *Beneficia* in the *Capitulars*, and they were to pay *Nonæ & Decimæ*, i. e. a Fifth part out of them, which was obtained

Concil. Labb. T. 8. p. 1815. Filesaci Opusc. *p.* 846, *&c.* Fragmenta de Majoribus Pal. Du Chesn. T. 1. Capit. *l.* 1. 157. Regin. *l.* 1. 45, 45, 46, 47.

tained with much Difficulty, as appears by the many Laws made about them. In the Council at *Leptins*, *A. D.* 743. *Carolomannus*, Son to *Charles Martel*, owns the letting out ſome of the Church-Lands *ſub Precario & Cenſu*, upon a reſerved Rent, *Can.* 2. *Capit. l.* 5. *c.* 3. but then it was barely for Life. But the conſequence was, That it was very hard to recover either the Lands or the reſerved Rents, and they put in Clergymen, and put them out as they pleaſed, becauſe they held theſe Lands as beneficiary Tenures from the Crown. So that it was the Work of more than an Age to put the Church there in any tolerable Condition. But this ſeems to be very much miſtaken, when it is brought to prove the Right of Patronage from the Endowment, as to the Diſpoſal of Benefices.

But the Right of Patronage by the firſt building and endowing the Church, is owned by the Civil Law in *Juſtinian's Novels*, 123. *c.* 18. and two things were there required; 1. A ſufficient Maintenance for the Clergy who were nominated. 2. The Biſhop's Satisfaction as to their Fitneſs, about which he ſpeaks in another *Novel*, 56. *Tit.* 12. *c.* 2. And he elſewhere requires, that before any Churches were built, the Biſhop ſhould ſee that there were ſufficient Maintenance for thoſe who were to officiate, *Novel.* 66. *Tit.* 22.

The ſame Right obtained here upon the ſame Grounds, as appears by the Baron's Anſwer to *Gregory* IX. who affirm, That they had it ever ſince Chriſtianity was founded here. They mean, ever ſince parochial Churches were endowed by their Anceſtors; for there could be no ſuch Right of Patronage before. And ſuch *Patrons* were here called
1 Inſt. 17. *b.* *Advocati Eccleſiæ*, as appears by *Joh. Sarisbur. Ep.* 6. 119. and the *Jus Advocationis*, as our Lawyers tell us, is a Right which a Perſon hath to preſent to a vacant Benefice in his own Name; which is agreeable to what *Bracton* and *Fleta* had ſaid long before.

But it doth not appear by them how the Names of *Patron* and *Advocate* came to be ſo applied. Among the *Romans*, ſaith *Aſconius Pedianus*, the *Patron* was he that pleaded the cauſe of another; the *Advocate*, he that appeared in Court on his behalf. But this doth not reach to the *Jus Advocationis* which we are now about. In the Ninety ſeventh Canon of the *African Code*, an Allowance is made for the Churches to have *Advocates* to ſolicite their Cauſes at Court. From hence the greater Churches and Monaſteries had their proper *Advocates* appointed them by the King, as *Bignonius* obſerves; and in the old Charters of *Aub. Miræus*, ſeveral ſuch *Advocates* are appointed; and it appears to have been an honorary Title, and great Men were pleaſed with it. *Miræus* ſaith, it was accounted *a conſiderable Honour* at that time. And ſo by degrees the Founders of Parochial Churches came to have the Title of *Patrons* and *Advocates* of them; and the Right they enjoy'd, the Right of *Advowſon* as well as *Patronage* (not as ſome ridiculouſly talk of *Advocat ſe*, or *Advocat alium*) becauſe the truſt and care of thoſe Churches, endowed by their Anceſtors, was fallen to them, and they were bound to look after, and to defend the Rights of them; and ſo *Lynwood* explains it.

Capit. *l.* 7. *c.* 392. Bignon. in Marculph. *l.* 1. *c.* 21. Aub. Miræ. Cod. Donat. *l.* 1. *c.* 136. P. Roverii Romanus, p. 614. De Foro Compet. *f.* 50. C. 56. *q.* 7. *n.* 32.

II. The next thing to be conſidered is the *Oblations* of the People, which in thoſe elder times were ſo free and large, that (which may ſeem incredible now) there were Perſons who would build Churches on their own Land to have a Share in the Oblations, as is affirmed in one of the *Spaniſh* Councils, and there forbidden with great Severity.

Concil. Brac. 3. *c.* 6. De Conſecr. 1. *c.* 10.

rity. It was not, as the *Gloſs* on the Canon Law underſtands it, to make a Bargain for the Right of Patronage, but it is expreſſed to have an equal Share with the Clergy in the *Oblations* of the People.

It is obſerved by *Agobardus*, *That the Devotion of Perſons in the firſt Ages was ſo great, that there was no need to make Laws or Canons for the Supplies of Churches, ſince they were ſo amply provided for by the Liberality of the People.* Thence we read of the *Depoſita pietatis* in *Tertullian*, which were *voluntary Oblations*; and out of which were made *Diviſiones Menſurnæ* in S. *Cyprian*, and the *Sportulæ*, which were the Allowances made to the Clergy out of the common Stock; and they who received them, and not thoſe who gave them (as Mr. *Selden* fanſies) were called *Sportulantes Fratres*; and the Allowances were then ſtiled *Stipes & Oblationes*, which were ſo conſiderable, that S. *Cyprian* blamed ſome for their ſetting their Hearts too much upon them; *Stipes, Oblationes, Lucra deſiderant, quibus prius inſatiabiles incubabant*; which could not be ſaid of any meer neceſſary Subſiſtence; theſe they received *tanquam Decimas ex fructibus*, as S. *Cyprian* ſpeaks, in lieu of Tithes at that time, when the moſt of the Chriſtian Church inhabited the Cities, and gave out of their Stock to maintain the Church, and thoſe who attended upon the Service of it. But when Chriſtianity came to ſpread into the Countries, then a more fixed and ſettled Maintenance was required, but ſo as to retain ſomewhat of the Ancient Cuſtom in *voluntary Oblations.*

Agobard. de Diſpenſ. c. 20.

Tertul. Apol. c. 39.

Cypr. Ep. 34.

Ep. 66.

Ep. 64.

No ſooner was Chriſtianity ſettled in *France*, but we read of Lands given to the Church by *Clodovæus* after his Converſion; theſe are owned by the firſt Council of *Orleans* called in his time, *A. D.* 511. *and were put into the Biſhop's Hands, and to be diſtributed by him for Repairs of Churches, Maintenance of the Clergy, and other pious Uſes*, *Can.* 5. 14, 15. but beſides theſe, we read ſtill of *Oblations* made by the People on the Altar, both in the *Mother-Church*, and in *Parochial Churches. If in the Mother-Church one Moiety went to the Biſhop, the other to the Clergy; if in the other, only the third part to the Biſhop.*

In the ſecond Council of *Maſcon*, *Can.* 4. we find it required, That *all the People make an Oblation of Bread and Wine at the Altar*; and this was *A. D.* 585. but beſides, the next Canon inſiſts on the Payment of Tithes, as founded on *the Law of God*, and the *Ancient Cuſtom of the Church*, which is thereby reinforced; *unde ſtatuimus & decernimus ut mos antiquus reparetur*; which Words are not fairly left out by Mr. *Selden*, becauſe they ſhew that there was only in this Canon *a renewing of an Ancient Cuſtom*, which had obtained, but was now growing into Diſuſe. For this Council of *Maſcon* was called on purpoſe to reſtore what they found too much declining, as to Religion; and they begin with the Obſervation of the Lord's-day, and after, add this, wherein they complain of *the Neglect of that which their Predeceſſors obſerved, as founded on the Law of God.* So that there can be no doubt of the Cuſtom of paying Tithes in *France*, from the time of receiving Chriſtianity; and that this Cuſtom declined as their Religion did. In the Council of *Nantz*, about *A. D.* 658. Oblations and Tythes are mentioned together, *c.* 10. as making up the Churches Stock, which was to be divided into four Parts, to the Biſhop, and to the Clergy, and to Repairs, and to the Poor.

Selden of Tythes, c. 5. n. 5. p. 58.

But beſides the Oblations of the Living, it was then common to make *Oblations* at their Death; and theſe were call'd *Oblationes defunctorum*, and ſevere Canons were made againſt the Detainers of them, *Concil. Vaſ.* I. *c.* 4. *Agath. c.* 4, 13. *Q.* 2. 9, 10, 11. And ſo much appears by thoſe Canons which forbid Exactions at Funerals, *Concil. Tribur. c.* 16. *Nannet. c.* 6. where an Exception is made as to voluntary Gifts, either by the Parties deceaſed, or by the Executors. But here, in the *Saxon* times there was a Funeral Duty to be paid called *Pecunia ſepulchralis & Symbolum Animæ*, and a *Saxon Soulſhot*; this is required by the Council at *Ænham*, and inforced by the Laws of *Canutus*, *c.* 14. and was due to the Church, the Party deceaſed belonged to, whether he were there buried or not. Some take this for the Foundation of *Mortuaries*; but then the Money muſt be turned into Goods. For in *Glanvil*'s time, a Freeholder is allowed to make his Will of other things, provided that he give his firſt beſt thing to his Lord, and his ſecond to the Church. And this was not originally *pro anima defuncti*, as *Lynwood* thinks, from the Modern Canoniſts *De Conſuetud. f.* 12. but it was a Right of the Church ſettled on the Deceaſe of a Member of it, as appears by the Law of *Canutus*. Others have ſaid, That it was in lieu of Tythes ſubſtracted, and Oblations not duly made. So *Simon Langham* in his Conſtitution about *Mortuaries*, which was made to explain a former Conſtitution of *Robert Winchelſee*, becauſe the People were obſerved not to pay their Tithes and Oblations as they ought. But he did not go about to ſettle a Right which had not been before, but to prevent Suits about that which was to be taken for a *Mortuary*; and he declares, That where there was a choice of three or more, the ſecond was to be for the Mortuary, *De Sepult. f.* 93. *b.* So that *Richard Winchelſee* ſuppoſes it to be an Ancient Right. Indeed in the *Cotton MS.* of the Council of *Merton*, where this Conſtitution is extant, the Reaſon is given, That it was required by way of Compenſation for the Neglect of Tithes and Oblations. In the Synod of *Wincheſter*, in his time, a Conſtitution is made for the uniform Payment of Mortuaries in that Dioceſs, the ſecond beſt of the Goods or Chattels was to be paid in lieu of Tithes unpaid. In the Synod of *Exeter* of *Pet. Quivil*, 15 *E.* 1. the reaſon is given for the Neglect of all Parochial Duties; but there it is ſaid, That ſome pleaded Cuſtom againſt the Payment of them, and others, as to the Manner; and although this Council endeavoured to ſettle an uniform Payment, yet the Statute of *circumſpectè agatis*, leaves the whole Matter to Cuſtom, *ubi Mortuarium dari conſuevit*. From whence my Lord *Coke* infers, That *there is no Mortuary due by Law, but only by Cuſtom*. The true Inference was, That the contrary Cuſtom had altered the Law from what it was in the times of *Canutus* and *Glanvil*. But that the prevailing Cuſtom became the ſtanding Law, as to *Mortuaries*, appears by the Statute of 21 *H.* 8. *c.* 6. which limits the Payment where the Cuſtom continued, but allows Liberty for *free Oblations*: And this *free Oblation* was then called *Cors preſentè*, and was diſtinct from the *Mortuary* in lieu of Tithes as appears by the Inſtances in Sir *W. Dugdale*. But I return to other *Oblations*, which *Lynwood* diſtinguiſheth into thoſe *by way of Gift*, and ſuch as became due. For theſe latter, he inſiſts on *c. Omnis Chriſtianus* in the Canon Law, *De Conſecr. D.* 1. *c.* 69. which requires that every one who approaches the Altar, makes ſome *Oblation*. Where the *Gloſs* ſaith, it is but Counſel at other times, but a Command on the Feſtivals.

Spelm. Con. *p.* 517.

Glanvil. *l.* 7. *c.* 5.

Spelm. Concil. II. p. 433.

p. 453. p. 391.

2 Inſt. 491.

Warwickſhire, p. 470. *&c.*

vals. For this 16 & 1. *c.* 55. is produced, *quas populus dare debet*; but it is there interpreted of the caſe of Neceſſity: *Hoſtienſis* thinks all are obliged on great Feſtivals, and that the general Cuſtom lays an Obligation; but *Lynwood* thinks the Cuſtom of particular Churches is to be obſerved.

In the Synod of *Exeter* before mentioned, *Oblations* are ſaid to be of Divine Right, and that every Pariſhioner is obliged to make them; but the time is limited to *Chriſtmas*, *Eaſter*, the *Saints day of the Church and the Dedication*, or *All-Saints*. So that four times in the Year they were required to make *Obligations* after the Age of Fourteen. And ſo *Giles*, Biſhop of *Sarum debent offerre ex debito quater in anno.* Spelm. II. p. 393.

In the Synod of *Wincheſter*, none were ſo obliged till Eighteen, and having Goods of their own. p. 303.

But I obſerve, that in the Ancient Canons here, by the *Oblations*, ſuch things were then underſtood, as were for the Support of the Clergy: Thence ſeveral Canons were made againſt thoſe who turned them another way. So in the Council of *London* under Archbiſhop *Stratford*, *Oblations* are declared to belong only to *Eccleſiaſtical Perſons*. And ſo *Lynword* ſaith, The Goods of the Church are called *Oblations*. And in caſe the Mother-Church were appropriated, the Oblations and Obventions made in the Chapel of Eaſe, did not belong to the Convent, but to the Perſons who officiated there. Theſe were called by the Name of the *Altarage*, and were generally expreſſed under that Name in the Endowment of Vicarages; but when theſe were too ſmall for the Maintenance of the Vicar, thoſe ſmall Tithes which were joyned with them, were comprehended under that Name; and ſo it hath been reſolved in the Courts of Law upon a ſolemn Hearing. p. 452. p. 410. p. 585. Lynw. *f.* 12. Spelm. II. p. 393. Spel. Gloſſ. *c.* Altarage.

John de Burgo, in his *Pupilla Oculi*, ſpeaking of *Oblations*, ſaith, That perſons may be bound to them four Ways:

1. By Contract upon the Foundation of the Church, which amounts only to a Penſion upon Endowment.

2. By Promiſe either living or dying.

3. By Neceſſity, when the Parochial Miniſter cannot be ſupported without it.

4. By Cuſtom, in the greater Solemnities; but he ſaith, the Proportion and Kind are left to Diſcretion; which made *Oblations* ſink ſo low, that the Parochial Clergy muſt have ſtarved, if they had had nothing elſe to ſupport them. Joh. de Burgo Pupill. Oculi, *f.* 118. b.

But beſides theſe, he mentions *Occaſional Oblations* upon particular Services, as at *Marriages*, *Chriſtnings*, *Funerals*, &c. concerning which we have ſeveral Conſtitutions againſt thoſe who went about to hinder them, or to reduce them to a ſmall Quantity. The Eaſter-Offerings are none of theſe voluntary Oblations, but a Compoſition for Perſonal Tithes payable at that time; of which I may have occaſion to ſpeak more afterwards. But in the *Saxon* times here were other ſorts Oblations; As (1.) the *Cyryceſceat* or Firſt fruits of Corn payable at St. *Martin's Day*, *Ina LL.* 4. 62. *Edmund. c.* 2. and is often mentioned in *Doomeſday-book*, and in *Fleta l.* 2. *c.* 47. *Malmesb. l.* 2. *c.* 11. and the Oblation of Poultry at *Chriſtmas* is mentioned in *Doomeſday*, under that Title. (2.) There was here another kind of Oblation called *Plow-Alms*, which was a Peny for every Plow between *Eaſter* and *Whitſontide*. This is mentioned in the Laws of King *Ethelred*, and required to be paid Fifteen days, Spelm. II. 495, 410. Pupilla Oculi, part. 5. *c.* 214. Spel. Conc. *t.* 1. 527.

days after *Eaſter*, although it be called *Eleemoſyna Aratralis*. In the Endowment of the Vicarage of S. *Ives*, *Plow-Alms* is mentioned beſides the Altarage and Obventions.

Mon. I. 256.

But all theſe Oblations made a very poor Subſiſtence for the Parochial Clergy.

III. And therefore I come to the main Legal Support of the Parochial Clergy, which is in Tithes. Concerning which I ſhall proceed in this Method;

I. To conſider the Foundation in Law which they ſtand upon.

II. The Rules of Law which are to be obſerved about them.

I. As to the *Foundation* they ſtand upon in point of Law. My Lord *Coke* not only ſaith, That *the Parochial Right of Tithes is eſtabliſhed by divers Acts of Parliament*; but he mentions *the Saxon Laws* before the Conqueſt *for the Payment of Tithes* of *Edward* and *Guthrun*, *Ethelſtan*, *Edmund*, *Edgar*, *Canutus*, and King *Edward*'s confirmed by *William* I. *Hobart* ſaith, That *Tithes are things of common Right, and do of Right belong to the Church, and ſince Pariſhes were erected, they are due to the Parſon (except in ſpiritual regular Caſes) or Vicar of the Pariſh.*

2 Inſt. 642.

Hob. R. 296.

In the *Regiſter of Writs*, a Book of great Authority, there is a Writ of Conſultation for Tithes, wherein they are owned *to be of common Right, as well as immemorial Cuſtom, due to the Rector within the Limits of his Pariſh.*

Regiſt. *f.* 46.

Lord chief Juſtice *Dyer* ſaith, That *Tithes can never be extinguiſhed, becauſe they are of common Right.*

Moor *f.* 50.

The ſame is affirmed by Juſtice *Dodderige* in the Caſe of *Foſſe* and *Parker*.

Bulſtrod. 3. 243. 11 R. 13.

In *Pieddle* and *Napper*'s Caſe, Tithes are ſaid to be an Eccleſiaſtical Inheritance collateral to the Eſtate in Land, and of their own Nature due to an Eccleſiaſtical Perſon: And, That *all Lands of common Right are to pay Tithes*. Therefore it is ſaid by *Hobart* in *Slade*'s Caſe, That *no Land can be diſcharged of Tithes although it may be diſcharged of the actual Payment.*

Hob. 298 44.

In *Popham*'s Reports we read, That *it is a Maxim in Law, that all Perſons ought to pay Tithes, and all Lands ſhall be charged with them of common Right.* So that if the Judgment of ſome of the greateſt Men of the Profeſſion may be taken, nothing can be more clear and evident than the Legal Right of Tithes. But it falls out unhappily among us, that nothing hath been the Occaſion of ſo much Difference and Contention between the Incumbents and their Pariſhioners, as the Point of the Payment of Tithes. So that ſome have wiſhed them changed into ſome other way of Maintenance; but I cannot ſee any Reaſon why ſo antient, ſo legal, ſo juſt a Maintenance ſhould be changed into any other, which would leſs anſwer the End, and be liable to as many Difficulties, if not far more; but every Change of this kind, where we cannot be ſecured of the Event, is very dangerous, eſpecially when it proceeds from want of Judgment or Ill-will to the Profeſſion; both which are to be ſuſpected in this caſe. If the ill Humors of ſome People could be changed, it would ſignifie far more to the Quiet of the Clergy, than altering their legal Maintenace.

Rolls R. 2. 174. Poph. R. 156.

Therefore the beſt way is to enquire into the Reaſons of this Diſſatisfaction, that we may find out the proper Methods to remove it, and thereby to prevent the troubleſome and vexatious Suits about them, which make the Parochial Clergy ſo uneaſie, and their Labour often unſucceſsful with the People.

And

And there is a twofold Diſſatisfaction which lies at the bottom of moſt of theſe Contentions about Tithes.

1. In Point of Conſcience.

2. In Point of Law.

1. In Point of Conſcience. There is a ſort of People among us, who are very obſtinate in this Matter, and will rather chuſe to go to Priſon and lie there, than pay their Tithes. I have often thought whence ſuch a Stiffneſs ſhould ariſe in a matter of legal Right. If they had oppoſed all Determinations of Property by Law, they had been more conſiſtent with themſelves; but to allow the Law to determine the Right as to nine Parts, and not as to the tenth, is not to be reconciled. For if the Queſtion be concerning the other Parts, to whom they do belong, may not Men as well diſpute the matter of Dominion and Property in them? May they not ſay, that the Seed is our own, and the Labour and Charges our own; why then ſhall I anſwer to another for the Profit which ariſes from my Pains and Expence? If it be replied, That the Law hath given the Property of the Land to one, and the uſe to another, why may they not pretend this to be an unreaſonable Law to ſeparate one from the other, ſince Land was given for the uſe; and the original Right of Dominion was from what was neceſſary for uſe; therefore the ſeparating Right and Uſe, is an Incroachment on the Natural Rights of Mankind. And there ſeems to be more Colour for this, than for any to allow the Laws to determine the Right of nine Parts to belong to the Lord of the Soil, but the tenth by no means to go that way, which the Law of the Land hath long ſince determined it. So that the Lord of the Soil either by Deſcent or Purchaſe, can claim no Right to it; for neither did his Anceſtors enjoy it, nor thoſe who ſold the Land to a Purchaſer conſider it as his own, for then he would have had the Value of it. The tenth part then is ſet aſide in Valuation of Eſtates, as already diſpoſed of; and the Queſtion is, whether the ſame Law which ſettled the Right to the other, ſhall determine this likewiſe? Is it not a part of natural Injuſtice to detain that which by Law belongs to another? And is not the Law the Meaſure of Right in Caſes of Difference between Man and Man; Why then ſhould not the Law fairly and equally determine this matter, to whom the tenth of the Profits belongs?

But ſtill they ſay, *It is againſt their Conſcience, and they cannot do it.* Is it againſt their Conſcience to do Acts of Natural Juſtice, not to detain that from another, which of Right belongs to him? But it is in vain to argue with People, who do not judge of things by the common light of Reaſon and Juſtice, but by an unaccountable Light within them, which none can judge of but themſelves; and in matter of Intereſt Men are the worſt Judges in their own Caſe.

2. Therefore I come to thoſe who are capable of being argued with; ſuch, I mean, who are unſatisfied in the Point of Law, not in general, but in particular Caſes, from whence Suits ariſe, and thoſe are often from theſe Cauſes:

1. Not duly conſidering the juſt Meaſure and Extent of the Rules of Law for the Payment of Tithes.

2. Not attending to the Exemptions, or Diſcharges by Law from the Payment of Tithes.

The beſt way I know to prevent troubleſome ſuits about Tithes, is to enquire diligently into theſe two things:

1. The

1. The Rules of Law for the Payment of Tithes, One might have juſtly expected, that in a matter of common Right and daily Practice, and wherein the Peace and Quiet of the People is ſo much concerned, as well as of the Clergy, the Rules of Law ſhould have been plain, and clear, and liable to as few Exceptions as poſſible; but inſtead of this, there is not one general Rule in this matter, but hath ſeveral Exceptions, and different Opinions have been about them by the great Men of the Law, which hath given too much occaſion to the Multitudes of ſuits which have been in the matter of Tithes; ſo that the Clergy are not ſo much to blame, if they are unavoidably involved in ſuits by the Perplexity of the Law, and the different Reſolutions which have been made about the Caſes reported by them.

This I ſhall make appear by examining ſome of the moſt general Rules of Law, and comparing them with the Reſolutions which have been made in particular Caſes.

Law of Tithes, c. 12. p. 214.

1. One of the moſt ſtanding Rules of the Law, is, That *Tithes are only to be paid of things which do annually increaſe, ex annuatis renovantibus ſimul & ſemel.*

But is this Rule allowed in all Caſes?

2 Inſt. 651. Select. Caſes, 16.

1. From hence *Coke* concludes, That *no Tithes are to be paid of Minerals, or of what is of the Subſtance of the Earth*; and ſo *Stone, Turff, Tinn, Lead, Coals, Chalk, Pots of Earth*, are denied to be titheable. But I find, 5 *H.* 4. *n.* 65. a Petition of the Commons was denied about being ſued in the Eccleſiaſtical Courts for Tithes of *Stone* and *Slate* taken out of their Quarries. The Petition was renewed, 8 *H.* 4. and then the King's Anſwer was, That *the former Cuſtom ſhould continue.* And ſo about Tithes for Sea-Coals, 51 *E.* 3. *n.* 57. From whence it appears, that theſe things might be tithed by ancient Cuſtom, and that was not thought fit to be altered. But, 34 *Eliz.* it was reſolved in the King's-Bench, That *no Tithes are due of Quarries of Slate or Stone*, in the Caſe of *Lyſle* and *Wats.* Here was no Regard to Cuſtom, and a Reaſon is given, which deſerves to be conſidered, *viz.* That *he may have Tithes of the Graſs or Corn which groweth upon the Surface of the Land where the Quarries are.* But how if there be none? As Lands where Quarries are, ſeldom afford Tithes. But the Note on the Regiſter ſaith, That *if Corn doth grow there, Tithe of it would be due however.* So that here we have a Rule againſt an ancient Cuſtom and Rule too. But it cannot be denied, that *Fitz-Herbert* and *Brook* ſay, That *there is no Tithe of Quarries, or Coals, or ſuch things*; and it was ſo adjudged, 11. *Jac.* and 14. *Jac.* and in other Caſes ſince. And yet after all, *Rolls* yields, That *a Cuſtom in theſe caſes is to be allowed*; ſo that the general Rule is to be underſtood ſo, as there be no Cuſtom to the contrary. And as to Minerals, it is determined by a late Writer, That *by Cuſtom Tithes may be due of them, although they do not annually increaſe.* And my Lord *Coke* mentions King *John*'s Grant to the Biſhop of *Exeter of the Tithe of his Tinn-Farm.* And a good Author aſſures us, That *in Places of Lead-Mines, the Tithe of Lead is the chief Part of the Miniſters Maintenance.* Therefore my Lord *Coke* concludes his Diſcourſe of *Tithes* with this general Rule, That *by Cuſtom a Parſon may have Tithes of ſuch things as are not titheable of common Right.*

Moor 908. C. El. 277. Reg. 54. 2. F. N. B. 53. B. 241. Rolls 637. March 58. Law of Tithes, 214. 4 Inſt. 232. 1 Rolls, 637. Coſin's Apol. p. 38.

2 Inſt. 662. 11 R. 15, 16. Rolls 1. 636.

2. From hence it is concluded, That *no Tithe can be due for Houſes, becauſe they have no annual Increaſe.* This was ſolemnly debated in Dr. *Grant*'s Caſe, 11 *Jac.* and that there was no Tithe due, was proved by

by the Counſel from the *Regiſter*, *Fitz. H. N. B. Brook*, &c. But it was reſolved by the Court, That although Houſes of themſelves were not titheable, yet there might be a *Modus decimandi* on the Ground on which the Houſes ſtood, and the Houſes did not take away the Right before; and in moſt ancient Cities and Burroughs there was ſuch a *Modus* for the Maintenance of their Miniſter. I grant that there was a certain *Modus decimandi* upon Houſes, but not upon the Account of the Ground they ſtood upon; but there was a cuſtomary Duty upon Houſes in lieu of Tithes, and were accounted a ſort of *Prædial Tithes*, although they were called *Oblationes de domibus*, as *Lynwood* ſaith, and were diſtinct from perſonal Tithes, for the *Jews* were bound to pay Tithes of Houſes, but not perſonal. Such was the Rate on Houſes in *London*: But in Dr. *Layfield*'s Caſe it was denied, that there could be a Preſcription of Tithes upon Houſes, becauſe they are to be paid only for the Increaſe of things. What is now become of the former *Modus decimandi*, when a Preſcription was here inſiſted upon and denied? So that here were different opinions, a ſpecial Cuſtom was allowed upon good Reaſon; and here a Preſcription diſallowed upon ſuch a Reaſon as would have overthrown the former Cuſtom, and yet the Law was the ſame ſtill.

Lynw. de Decimis. c. Sanct. c. Negotiat. Selden of Tithes, 244. Cr. Car. 596. Hob. 1. 11.

3. From hence it would follow, That if this Rule hold, things which have not an annual Increaſe would not be titheable: Then no Tithe of Saffron would be due, whoſe Heads are gathered but once in three years, nor of *Sylva cædua*, under twenty years; and yet this was allowed in Parliament at *Sarum*, ſaith the *Regiſter*, notwithſtanding it was not renewed every year. And *Rolls* ſaith, That *Tithes* ſhall be paid of Beeches, Hazle, Willows, Holly, Alder, Maple, even after twenty Years, becauſe they are not Timber. But what if Willows be uſed for Timber? Then *Hobart* ſaith, they ought to be excepted. If young Trees grow in a Nurſery, and be ſold, it is allowed that Tithes ſhall be paid of them, and theſe are not renewed every year. And what becomes now of this *general Rule*, when ſo many Exceptions are made to it?

Regiſt. 49. Rolls 1. 640. Hob. 219. Cr. Car. 526. Rolls 1. 637. Jones 416.

4. If this Rule hold, there can be no Tithes of *After-paſture*, for the Rule is *ſimul & ſemel*. And my Lord *Coke*, ſaith, It was adjudged, 8. *Jac.* That *a Parſon ſhall not have two Tithes of Land in one year*; and he inſtances *in the Hay and After-paſture*, &c. And yet *Rolls* affirms, That *it is due by Law, unleſs there be a Preſcription to the contrary*; and he ſaith, *the Judgment was given upon the Preſcription.* And therefore he reſolves it into a *Modus decimandi.* But he mentions ſeveral Judgments *That no Tithe is due for After-paſture, where Tithe-Hay hath been paid before*; which muſt be where there was no Cuſtom to the contrary, or elſe he muſt contradict himſelf. And ſo *Yelverton* ſaith in the Caſe of *Green* and *Auſten*, That *of common Right, Tithe-Hay diſcharges the Tithe of the After-paſture.* But *Crook* ſaith, That *in that caſe the Court went upon the Preſcription, and allowed it to be good.* How could it go upon both? And Sir S. *Degge* is poſitive, that *if a Meadow affords two Crops, the Parſon ſhall have Tithe of both.* How can theſe things conſiſt? Or what Authority may we rely upon in ſuch Difference of Opinions?

Hardres 381. 2 Inſt. 652. Rolls 1. 642. 643. Yelv. 86. Cr. Jac. 116. Law of Tithes, 190. c. 3.

2. Another Rule in Law is, That *things which are* feræ Naturæ, *are not titheable.* But here we are to ſeek what things are *feræ Naturæ?* Whether ſuch things as may be tamed and kept under Cuſtody, and become a Man's Property, are *feræ Naturæ?* Is it not Felony to ſteal

2 Inſt. 651. Law of Tithes, c. 8.

Rabbets

Rabbets or *Pigeons?* If it be, they muſt be ſome Man's Property; and if they be a Man's proper Goods, how can they be ſaid to be *feræ Naturæ?* For the meaning was, That no Man was to pay *Tithes* for that which was not his own. Are not *Bees feræ Naturæ*, as much as *Pigeons* and *Rabbets?* But the *Tithe* of *Bees* is allowed to be paid by the tenth of the Honey and Wax. But *Rolls* ſaith, *That it was doubted whether a tenth Swarm were a good* Modus *for the Tithe of Bees, becauſe they are* feræ Naturæ. The Reaſon is, becauſe they are left wild, and under no Cuſtody; but if they went into ſeveral Hives belonging to the Proprietor, they might be titheable by the Hives. And ſo for Pigeons under Cuſtody in a Dove-houſe, they are a Man's Property, and therefore titheable: As it hath been ſeveral times reſolved in Courts of Law, 14. *Jac.* in *Whately* and *Fanbor*'s Caſe, in *Jones* and *Gaſtrill*'s Caſe, a Prohibition was denied; and Juſtice *Dodderidge* declared, to whom the Court aſſented, that Tithe was due both of young Pigeons and Conies. But the prevailing opinion hath been, *That if are conſumed in the Houſe, they are not titheable, but if they ſold, they are.* But are they not *feræ Naturæ* as well when they are ſold at Market, as when they are eaten at home? Why then are they titheable in one Caſe, and not in the other? If they are titheable at all, they are ſo where-ever they are ſpent; for in tithing, the Nature of the thing is to be conſidered, and not the Place of ſpending it. For upon the ſame Reaſon there would be no Tithe of Corn ſpent at home, or Pigs, Calves, *&c.* and therefore I look on the Reaſon as of worſe Conſequence, than the total denying the Payment. For who can tell how far this Reaſon may be carried in other Caſes?

Cr. Car. 559. Jones, 447. F. N. B. 51. Rolls 1. 651. Rolls 1. 635. Rolls R. 2. 2. Hetley, 147. Littleton, 3. n. 40. Rolls 1. 644.

But it is reſolved in many Caſes, that though they are *feræ Naturæ*, yet by Cuſtom they may be tithed; and ſo for Fiſh. Cuſtom it ſeems hath the Power of reducing things *feræ Naturæ* to the ſame Condition with other things. But as far as I can find, theſe things by our old Conſtitutions, were as titheable as other things; but the notion of their being *feræ Naturæ* being ſtarted, ſerved as a Plea againſt them, where the Cuſtom was not continued; and where it was beyond all Diſpute then they ſaid they were not titheable in themſelves, but only by Cuſtom; or not by Law, but by Cuſtom; and yet ſuch Cuſtoms make a part of our Law.

March 56. Hetley 13. Rolls 1. 635, 636. Palmer 527. Cr. Car. 264, 339. Lynw. 101. Spel. II. 503. Hardr. 188. Kebl. 2. 452. 1 Inſt. 115. 6. 244. Monaſt. I. 577. 646, 1002. II. 4. 658.

In ſeveral ancient Appropriations, Fiſh, and Pigeons, and Rabbets are expreſly mentioned, as given together with other Tithes; ſo that in thoſe times both Law and Cuſtom went together. For the Lords of Manours were not wont to give Tithes which were not otherwiſe due.

3. But what is to be done with thoſe Lands which might afford Tithe, if the Increaſe of Graſs were ſuffered, but the Owners feed Cattel upon it, and ſo there can be no Tithes, what remedy doth the Law afford in this Caſe?

Lynw. *f.* 99. F. N. B. 53. 2 Inſt. 651.

1. It is agreed that no Tithe is due, if no other Cattel be fed, but ſuch as the Owner pays Tithe for, or are imployed in plowing, or any other way which is for the Benefit of the Incumbent of that Pariſh where they are fed. For otherwiſe they are but as barren Cattel to him.

Hadres, 184.

2. That there is a certain Rate due for the Agiſtment of barren Cattel, *Jure communi*, and ſo delivered by *Hales* then chief Baron, according to the Value of the Land, unleſs Cuſtom hath determined otherwiſe. And ſo for Gueſt-Horſes, *&c.* unleſs the Inn-keeper had paid

Tithe-

Tithe-Hay, ſay ſome, or the Cuſtom be otherwiſe: But none for *Saddle-Horſes* for the uſe of the Owner. One of the Judges diſſenting, becauſe not intended for Husbandry. But for unprofitable Cattel the tenth part of the Bargain is due, or according to the Value of the Land, and the Owner of the Cattel is compellable to pay. Poph 142. Rolls 1. 641, 650. Bulſt. 1. 171. Rolls, 1. 641. Poph.

3. If profitable and unprofitable be mixed, ſo as the latter be the greater Number, then Herbage muſt be paid for them, and Tithe in kind for the profitable; but if the profitable be the greater Number, it is queſtioned whether the other are not excuſed; but no Law or precedent is produced for it: And there ſeems to be no Reaſon, if Paſturage be due for unprofitable Cattel, why they ſhould be excuſed becauſe there are more profitable, unleſs their Nuber be inconſiderable. 176, 197. Hardres 184. Law of Tithes 200.

Theſe things I have only briefly touched at, that you may the better govern your ſelves in Diſputes of this Nature; and as you are not to loſe the juſt Rights of the Church, ſo neither is it for your Intereſt or Honour to be ingaged in them, where the Law will not bear you out.

II. The next thing neceſſary to be conſidered, is, the legal diſcharges from the Payment of Tithes. For, although the Reaſon of the Payment of them be founded on the Law of God, and the Settlement of Tithes among us hath been by ancient and unqueſtionable Laws of the Land, yet the Recovery of Tithes when unjuſtly detained, can be no otherwiſe than by the Law of the Land, as it is now in force. And if theſe do allow ſeveral Diſcharges and Exemptions not to be found in the ancient Laws of Practice, we ſhall but involve our ſelves in fruitleſs Contentions, if we diſpute thoſe Limitations which the Law hath put upon the Payment of Tithes. And therefore our Buſineſs is to enquire and ſatisfie our ſelves, as well as we can, about the Nature and Extent of theſe Limitations.

Now there are four ſorts of Diſcharges of the Payment of Tithes allowed.

1. By Appropriations to Monaſteries.
2. By Privileges of particular Orders.
3. By Preſcription and real Compoſitions.
4. By Unity and Poſſeſſion.

Of theſe I ſhall diſcourſe in order, ſo as to clear the greateſt Difficulties, with reſpect to them.

1. As to *Appropriations.* By the Statute of Diſſolution, 31 *H.* 8. 13. the new Poſſeſſors are to enjoy their Parſonages appropriated, Tithes, Penſions, and Portions, and all other Lands belonging to them, diſcharged and acquitted of the Payment of Tithes, as freely, and in as ample a manner as they were enjoyned before.

32 *H.* 8. 7. It is Enacted, That no Perſons ſhall be compelled, or otherwiſe ſued to yield, give or pay any manner of Tithes for any Manors, Lands, Tenements, or other Hereditaments, which by Laws or Statutes of this Realm or diſcharged, or not chargeable with the payment of any ſuch Tithes. So that we muſt enquire into the State of Parſonages appropriated before the Diſſolution, and how the Payment of Tithes ſtood then.

I will not deny that there were Churches appropriated to Monaſteries in the *Saxon* times; but if Mr. *Selden*'s Doctrine hold good, as to the *Arbitrary Conſecration of Tithes till the twelfth Century*, thoſe Churches cannot carry the Tithes along with them, but only ſuch Glebe and Obla-

lations as belonged to them. For how could the Tithes pass with the Churches, if they were not then annexed to them? But he confesses, *That the mention of Tithes with Churches in Appropriations, was rare, or not at all till after the* Normans. The Reason might be, that the Separation of Tithes from the Churches, was not known till the *Norman* times. For the *Norman* Nobility took little notice of the *Saxon* Laws about Tithes; but finding Tithes paid out of the Lands within their Manors, they thought they did well, if they gave the whole Tithes, or a Portion and share of them, as they thought fit, to some Monastery either abroad at home. And this I take to be the true account of the beginning of Appropriations among us. It were endless to give an account of the Appropriations made by the *Normans*, for the *Monasticon* is full of them. *William* I. gave several Churches with their Tithes to *Battle-Abby*. *William Rufus* added more. *H.* 1. to the Monastery of *Reading*, several Churches in like manner; and *H.* 2. more. *Hugh* Earl of *Chester*, gave the Tithes of several Manors to the Monastery of St. *Werburgh*, in the time of *William* I. Of which kind the Instances are too many to be mentioned; instead thereof, I shall set down the State of the Parochial Clergy under these Appropriations, which was very mean, and intended so to be, being supplied by the *English* Clergy.

Hist. of Tithes 370.

Mon. 1. 31. 417. 202.

1. Where the Churches and Tithes were appropriated to a Monastery, the Vicar had only such a Competency as the Bishop thought fit to allow, till Vicarages came to be endowed: For right understanding this matter of Appropriations, as it stood here in *England*, these things are to be considered.

1. That there was a Parochial Right of Tithes settled in the *Saxon* times: Which I infer from the Laws of *Edgar* and *Canutus*, where the Tithes are required to be paid to the Mother-Church; and if the Lord of a Manor have a Church on his own Free-land, he may retain a third part of the Tithes for the use of it. These Laws are so plain and clear, that Mr. *Selden* does not deny them; and he confesses, *the first Limitation of Profits to be contained in them.* But what is to be understood by the *Mother-Church* to which the Tithes were given? Mr. *Selden* would have it the Monastery or Mother-Church; but afterwards he grants, *That a Parochial Right to Incumbents was hereby settled*; Which is the first legal Settlement of Tithes in a Parochial Manner: But these Laws of *Edgar* and *Canutus* were so solemnly enacted, that, as Mr. *Selden* observes they were particularly called, *Leges Anglicæ*, the old *English Laws* in the old *Latin MSS.* It is a commonly received Opinion among the Lawyers of the best Rank, *That before the* Lateran *Council there was no Parochial Settlement of Tithes here.* My Lord *Coke* found no such decree of the *Lateran* Council under *Alexander* 3. 5 *H.* 2. *A. D.* 1179. and therefore he refers it to a Decretal of *Innocent* 3. As to the *Lateran* Council which *Lynwood* mentions, it plainly speaks of *Feudal Tithes*, which a Person enjoyed by the Churches Grant, and such might before that Council, be given to what Church the Person pleased. But is there no difference between *Feudal* and *Parochial Tithes?* And what Proof is there of any ancient Infeodations of Tithes here? Mr. *Selden* himself thinks *Lynwood* applies the Custom of other Countries to his own. But as to the Parochial Right of Tithes among us, it stands thus: By the *Saxon* Laws the Parochial was settled. After the *Norman* Invasion these Laws were neglected and slighted by the *Normans*; *H.* I.

L. L. Saxon. Wh. p. 62. Spelm. Conc. 444. L. L. Canut. c. 8, 10, 11. Seld. of Tithes, p. 262. p. 264. p. 224. 2 R. 44. 2 Inst. 641. Dyer, 84. Brook, 241. Cr. Car. 422. Palmer, 220. Selden, 293. Lynw. 81. b. Selden, 404.

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by his Charter restored them, *H.* 1. *c.* 11. and the very words of the Laws of *Edgar* and *Canutus* are repeated. The *Normans* went on notwithstanding, and so these Laws were discontinued in Practice. But *Hadrian* 4. who was an *Englishman* by Birth, observing the disorderly Payments of Tithes here, published a Constitution to require the Parochial Payment of them, as is observed by *P. Pithæus*, a very learned and impartial Man. After him *Alexander* 3. in a Decretal directed to the Archbishop of *Canterbury* and his Suffragans, complains, *That whereas the Parishioners had formerly paid their Tithes entirely where they ought to pay them, the contrary Custom had obtained; and some withdrew the Tithe of Wool, Fish, and Mills; therefore he requires the strict Payment of them to the Churches to which they were due.* The latter part only is in the Canon Law, but the former is added from the ancient Copies by *Pithæus*.

Nor. in Decret. *l.* 3. *c.* 30. *n.* 4.

As to the *Decretal* of *Innocent* III. to which my Lord *Coke* refers, and Mr. *Selden* thinks was mistaken for the *Lateran Council*, *being brought into* England *with it*; there is such an Epistle extant in the Collection of his Epistles, but not put into the Canon Law, and was nothing but an Inforcement of the former Laws, and a declaring the contrary Custom void, which had too much obtained since the *Norman* times. But in a Decretal extant in the Canon Law, *De Decim. c.* 29. he acknowledges the Parochial payment of Tithes to be due by common Right, *Cum perceptio Decimarum ad Parœciales Ecclesias de Jure communi pertineat.* Can any thing be plainer than that the Parochial Right could not depend upon his Decretal Epistle, when himself confesses that they were due by common Right?

Innocent. 3. Epist. 2. *c.* 114.

We do not deny that he inforced the Payment which had been so grossly neglected in the *Norman* times, and the most they would be brought to in many places, was to pay only a third part to the Parish-Priest who officiated, and gave the rest to Monasteries, and often appropriated the whole Tithes to them, either at home or abroad, as will abundantly appear by the *Monasticon*; from whence it is plain, that they looked on Tithes in general, as due to the Church, as appears by very many of their ancient Charters; but they thought they did very well when they appropriated them to Monasteries of their own Erection, or others, as they thought fit. But this Humour took so much among the *Norman* Nobility, and served so many purposes of Honour and Devotion, as they thought (besides Reason of State) that the Parochial Clergy were reduced to so poor a Condition, that *Alexander* IV. complained of it as *the Bane of Religion, and Destruction of the Church, and as a Poison which had spread over the whole Nation.* And it must be very scandalous indeed, when the Pope complained of it: For the Monks that were able, generally got their *Appropriations* confirmed in the Court of *Rome*.

Monast. I. 112, 114, 201, 202, 327, 590, 436. II. 50, 81.

Du Fresn. *c.* Appropr.

2. There was a Competency to be settled on the Parochial Clergy by the Bishop's Consent, which was required in order to the confirming an Appropriation; as may be seen in Multitudes of them in the *Monasticon*, besides those which are preserved in the Churches Register. Sometimes the Endowment is expressed, and at other times it is reserved in the Bishop's Power to do it as he sees Cause. But the Bishop's were either so remiss in those times, or the Monks so powerful at *Rome*, that the poor Vicars fared so hardly, that in the time of *H.* 2. *Alexander* III. sent a Reprimand to the Bishops for favouring the Monks too much, and the

Monast. I. 369, 394. II. 58, 208, 656, 831. III. 32, 36.

Extr. de Præb. *c.* de Monachis.

Clergy too little; and therefore requires the Bishops to take care that the Vicar had a competent Subsistence, so as to be able to bear the Burden of his Place, and to keep Hospitality. This was directed to the Bishop of *Worcester*; for it seems so long since the poor Vicars here were hardly provided for. And yet I have seen several Forms of Appropriations made by the Bishops here, after the Conquest, wherein there is a twofold *Salvo*; one for the Bishop's Right, and another for a sufficient Maintenance for the Curate, although the Church were appropriated *ad communem usum Monachorum*, as of *Wolstan*, *Roger*, and of *William* in the time of *Hen.* II. when *Alexander* III. lived, and of *Walter de Grey*, *Sylvester*, &c. But it seems where a competent Subsistence had been decreed, the Monks took the first Opportunity to lessen it; which occasioned another *Decretal* in the Canon Law, wherein any such thing is forbidden, without the Bishop's Consent. In other Places they pleaded Custom for it; thence came another Decree of the *Lateran* Council, to void all such Customs by whomsoever introduced, where there was not a competent Subsistence for him that served the Cure.

Ext. de Præb. c. Avar.

Ext. de Præb. c. Extirp.

The Monks were still refractary in this matter; and because the Bishops had Power to refuse any Person presented by the Monks, unless they did consent to such a reasonable Allowance as the Bishop thought fit; therefore they grew sullen, and would not present; in which Case another Decretal was made to give the Bishop Power to present.

Extr. de Monachis, ubi supra.

Ext. de Supplend. Neglig. Præl. Sicut nobis.

And after all, *Clement* V. *De Jure Patron. c.* 1. reinforced the former Decretals, and injoyned the Diocesans in the strictest manner, not to admit any person presented to a Cure, where the Church was appropriated, unless sufficient Allowance were made by the Bishop's Consent and Approbation, and all Custom and Privileges to the contrary are declared to be void.

But how far doth this hold among us now, since the Appropriations are become Lay-Fees, and the Bishop's Power is not mentioned in the Statute of Dissolution? To this I shall give a clear Answer, but I doubt not satisfactory, to all Parties concerned. For as Necessity and Power, so some Mens Interest and Reason live very near one another.

1. The Statute of Dissolution leaves all matters of Right as to persons interested just as they were before. For by the Surrender the King was to have the Monasteries and Tithes in as large and ample a manner as the Abbots then had them in Right of their Houses, and in the same State and Condition as they then were, or of Right ought to have been: And so *res transit cum suo onere*. But this is not all: For there is an Express *Salvo* for all Rights, Claims, Interests, *&c.* of all Persons and Bodies Politick. So that if by the Law of *England* there was such an Antecedent Right in the Vicar to his Allowance, and in the Bishop to assign it, it is not taken away by this Statute, nor any other.

2. By the Law of *England* the Bishop had a Right to provide a competent Maintenance for supplying the Cure upon an Appropriation. We are told by an unquestionable Authority in point of Law, that *9 Car.* 1. this Point was brought before the *Kings-Bench*, in the Case of *Thornburgh* and *Hitchcot*. The Vicar complained, that the Church was appropriated, and that he wanted a competent Maintenance; a Prohibition was prayed, but denied upon this Reason, That the Vicar had Reason for his Suit, and that the ordinary might compel the Im-

Rolls, 2. 337.

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propriator to make it greater; becauſe in all Appropriations that Power was reſerved to the ordinary. And ſo in the *Year-Books* it is allowed, *That the ordinary may increaſe or diminiſh the Vicar's Portion*, 40 *E.* 3. *Caſ.* 15. *f.* 28. By our Provincial Conſtitutions, the Biſhop is to take care that the Vicar have a competent Allowance; which at that time was ſet at Five Marks; but *Lynwood* obſerves, that as the Price of things roſe, ſo the Allowance was increaſed, and in Stipendiaries it was then advanced to Eight or Ten Marks; which, according to Sir *H. Spelman*'s Computation, comes to above Sixty Pounds *per Annum*. But ſome have told us, *That by ſome old Statutes, even beneficed Perſons were not by Law to have above Six marks* per Annum; for this was the Sum allowed to *Pariſh-Prieſts*; which is ſo groſs a Miſtake in any that pretend to Law or Antiquity, that it is to be wondred how they could fall into it.

Pro Conſt. de Offic. Vic. *c.* quoniam.

Of Tithes, *p.* 153. Miſcel. Parl. 183.

The Truth of the Caſe was this; the Parochial Chaplains or Prieſts were complained of, 36 *E.* 3. *n.* 23. that they could not be gotten to attend after the Plague, but at exceſſive Rates; upon this a Provincial Conſtitution was made, extant in the Parliament Rolls, wherein they are obliged to demand no more than Six Marks. But who were theſe Pariſh-Prieſts? Not ſuch as had the legal Endowments, but thoſe who depended on the Good-will of the Parſon or People, and were hired to officiate in Chapels of Eaſe, or to perform Offices for the Dead, which were ſo frequent at that time. And theſe were called *Annual Chaplains*, or *Maſſe Chaplains*, and were diſtinguiſhed from *Domeſtick Chaplains* who officiated in great Mens Houſes in their private Oratories, and from *Beneficed Perſons*, as appears by many Conſtitutions. But whatever was underſtood by the Act of Parliament then, it was repealed 21 *Jac.* 1. 28.

Birchington, *f.* 42.

Lynw. *f.* 32. Sacerdos Parochialis oppoſed to Beneficiatus.

Lynw. *f.* 131.

3. The Law of *England*, as to a competent Subſiſtence for the Vicars or Curates in appropriated Churches, is founded on very good Reaſon. For the *Tithes* were originally given for the Service of the Church, and not for the uſe of Monaſteries. And this was a hard Point for the Monks to get over, ſince the *Tithes* were given for the Maintenance of the Clergy, and they were none of the Clergy, how they came to have a Right to the *Tithes*. It is certain, that the State of the Clergy and the Monaſtick State were different; and the Offices of the Clergy and of the Monks were inconſiſtent, if they held to their Rules; how then came the Monks to take the Maintenance which belonged to the Clergy for other Offices, as though they were originally intended for them? For which there is no Colour or Pretence. This Point was debated between two great Men of their times, S. *Bernard* and *Petrus Cluniacenſis*: The former a *Ciſtertian Monk*, declared himſelf unſatisfied with the Monks taking the Maintenance of the Parochial Clergy from them, which was given on purpoſe to attend the Cure of Souls. *But*, ſaid *Petrus Cluniacenſis*, *do we not pray for their Souls?* But the Cure of Souls is another thing; and by the Canons of the Church the Monks were forbidden to meddle in Parochial Offices of *Preaching*, *Baptizing*, *Viſiting the Sick*. So that it might bear a Queſtion in Law, whether a Monaſtery were capable of an Appropriation, ſince by the Eccleſiaſtical Law, they are not an Eccleſiaſtical Body? And for that Reaſon *Hobart* ſaith, *a Nunnery is not*; and the ſame Reaſon will hold for the other.

Pet. Cluniac. Ep. *l.* 1. 21.

D. 55. *c.* C. 16. Q. 1. *c.* 4, 5, 6, 8, 10, 11.

The

The *Ciſtertian order* was at firſt very ſcrupulous in this matter, when they came hither and pretended *to live only on their own Lands, and diſliked Appropriations, as great Injuries to the Clergy*, and called it *Sacrilege* to take their *Tithes* away from them. This was wiſely done of them at firſt to ingratiate themſelves with the Clergy, and to get as good Lands as they could. But after a while they abated their Zeal, and then they pretended to do nothing without the Biſhops Conſent; till at laſt they were as ready as any, and got as large Privileges to exempt their Lands from Payment of *Tithes*, under which the Clergy ſuffer to this day.

Mon. I. 699. Rolls, R. 2. 480.

Mon. I. 736.

But to return to the beginning of Appropriations among us.

After the *Normans* coming, they ſtood upon no Niceties of Law, or original Grants, but they took Poſſeſſions of the *Tithes* of their Manours, and diſpoſed them as they pleaſed. The poor Parochial Clergy were *Engliſh*, whom they hated, and cared not how poor they were; the Biſhops were *Normans*, as faſt as they could make them; and the buſineſs of the great Men, was to incourage the *Norman* Monks that came over, and to build and endow Monaſteries for them *to pray for their Souls*, which they minded ſo little themſelves; and this I take to be the true Account of the beginning and increaſe of Appropriations in *England*, which at firſt were only permitted, but are confirmed by the Law ſince the Statute of Diſſolution.

II. In ſome Appropriations there were Vicarages endowed, and here the Difficulty lies in diſtinguiſhing the *Tithes* which belong to one from the other: Before the Statutes for Endowment of Vicarages, in caſe of Appropriations, 15 *R.* 2. 6. 4 *H.* 4. 12. there were Endowments made, where the Biſhops took care of it; but they were generally ſo remiſs in it, that thoſe Statutes were thought very neceſſary; and one, it ſeems, was not ſufficient. For they eluded the former by appointing Vicars out of their own Body; but the latter Statute requires, That the Vicar ſhall be a Secular Perſon, and made Spiritual Vicar, and have ſuch an Endowment as the ordinary ſhould think fit, otherwiſe the Appropriation to be void.

The Scandal of the Appropriations was made ſo great by the greedineſs of the Monks, and Eaſineſs of the Biſhops, that I find in the Parliament Rolls 2 *H.* 4. 51. a Petition of the Commons, that no Appropriations ſhould be made for the future; but afterwards they came to that Temper which is expreſſed in the Statute 4 *H.* 4.

And that before thoſe Statutes, there was no neceſſity of the Endowment of a Vicarage, is plain from the occaſion of making them; and ſo it hath been agreed in the Courts of Law in the Caſe of *Britton* and *Ward*. But the main Difficulty is, to ſtate the Tithes which belonged to the Vicarage and to the Appropriation; becauſe there was no certain Limitation either as to quantity or kind, although generally the great Tithes of Corn and Hay went with the Parſonage, and the ſmall Tithes and Obventions, and Altarage with the Vicarage.

Rolls, R. 2. 99. Cr. 2. 518.

The beſt Rules I can find to be ſatisfied in this matter, are the Endowment, or Preſcription. And where the Endowment is found, yet there may be a Preſcription of Tithes not mentioned; becauſe the Biſhop had a Power reſerved to increaſe the Allowance: As in the Caſe of the Vicar of *Gillingham*, who ſued for cuſtomary Tithes not mentioned in the Endowment; and he recovered them on this Preſumption, That the Vicarage might be augmented with thoſe Tithes; and in caſe

Yelv. 86.

Hardr. 328.

of

of long Poſſeſſion, it is there ſaid to have been often ſo held and ruled. Sometimes there is a Difficulty in the Senſe of the Words of the Endowment, as in the Caſe of *Barkſdale* and *Smith*, whether *Decima Garbarum in W.* implied Tithe-Hay; but it was reſolved, that although *Garba* ſeems to relate to Corn, *de omni Annonâ decima Garba Deo reddenda eſt. L. Edw. Confeſſ. c.* 8. at leaſt, to ſomething bound up; and ſo *Lynwood* applies it to Faggots; yet the Cuſtom was thought ſufficient to extend it to Tithe-Hay; and for Tithe-Wood in *Renoulds* and *Green*'s Caſe. But the greateſt Difficulty hath been about *ſmall Tithes*, which is the common Endowment of Vicarages. In the Caſe of *Ward* and *Britton*, one Point was, whether Lambs were *ſmall Tithes* or not. *Noy* pleaded Cuſtom for it. The Councel on the other ſide ſaid, That *ſmall Tithes* were ſuch as grew in Gardens; but Lambs were a ſort of *Prædial Tithes*; however, it was yielded, that Cuſtom might bring it under *ſmall Tithes.*

Cr. El. 633. Bulſtr. 2. 27. Palmer, 219. Cr. Jac. 516.

Another Point about *ſmall Tithes*, was about *Saffron* growing in a Corn-Field, in the Caſe of *Bedingfield* and *Freak*, and it was reſolved to be *ſmall Tithes.* But the Ground of that Reſolution was queſtioned in the Caſe of *Udal* and *Tyndal*; ſome ſaid it was, becauſe *Saffron* was *ſmall Tithes* where-ever it grew: Others, that by the Endowment, the Parſon had only reſerved the Tithe of Corn and Hay.

Cr. Eliz. 467. Moor, 909. Hutton, 78. Owen, 74. Cr. Car. 28.

But ſuppoſe whole Fields be planted with *Woad*, which grows in the Nature of an Herb, is this to be reckoned among *ſmall Tithes? Crook* ſeems to deliver the ſenſe of the Court ſo, in the former Caſe: But *Hutton* reports it, that it might come to be *majores Decimæ* and *Prædial*, if it came to be the main Profits of the Place. And the like may hold as to Hemp, Hops, Wool and Lambs. It's there ſaid, that all theſe new things, as Saffron, Hemp, Woad, Tobacco, *&c.* are to be reckoned among *ſmall Tithes*, unleſs there be ſome material Circumſtance to the contrary. But who is to be Judge of that? And what Proportion changes *ſmall Tithes* into *greater?* But what if the Endowment be ſo expreſſed, that only Tithes of Corn and Hay be reſerved to the Parſon? Then *Rolls* thinks all the reſt fall to the Vicar by Conſtruction of Law.

Hutton, 78. Rolls, A. 2. 331.

By the Word *Altarage*, it was reſolved in the *Exchequer*, upon a ſolemn Hearing, 21 *Eliz.* and after confirmed in the Caſe of *Wood* and *Greenwood*, not meer Oblations are to be underſtood, but whatever Cuſtom hath comprehended under it. And I find in the Settlement of the *Altarage* of *Cokeringtон* by *Rob. Groſthead*, Biſhop of *Lincoln*, not only Oblations and Obventions, but the Tithes of Wool and Lamb were comprehended under it.

Littleton, 244. Hetley, 135.

II. The next Diſcharge of Tithes, is by the Privileges of particular Orders allowed by our Law. For it is to be obſerved, that no Bulls of Popes make a legal Diſcharge; but in ſuch Caſes where the Law allows them, and my Lord *Coke* thinks it cannot be inſiſted upon without danger of a *Præmunire.* For when the *Ciſtertians* had procured new Bulls to inlarge their Privileges as to their Lands in the Hands of Farmers, a Law was paſſed againſt it, 2 *H.* 4. *c.* 4. which was grounded on a Petition in Parliament ſhewing the Novelty and Miſchief of it.

Mon. II. 604. 2 Inſt. 653. Rot. Parl. 2. H. 4. 1.

It was affirmed by our great Lawyers, that the Pope's Act in diſſolving the Body of the Templars, which was done, 5 *E.* 2. had no effect here till the 17 *E.* 2. when the Parliament gave their Lands to the Hoſpitallers.

Mon. II. 511. Cr. 2. 578. Palm. 222. Walſingh. A. 1325.

And

And that the Pope could not by his Bull diſſolve a Vicarage after they were made perpetual by the Statute; ſo that our own Law is to govern in this matter.

Cr. 2. 517. Pal. 222.

But what Orders had Exemption from Tithes by our Law? At firſt moſt of the Orders of Monks had it for Lands in their own Hands. This by *Hadrian* IV. was reſtrained to the *Ciſtertians*, Templars and Hoſpitallers, which is owned in the Canon-Law, by a Decretal of *Alexander* III. who declares it not to be intended for Lands let out to farm.

Extr. de Decimis, c. 10.

Innocent III. reſtrains it to ſuch Lands as they were then in Poſſeſſion of; but my Lord *Coke* makes the Grant to be *from* Innocent III. *in the Council of* Lateran, 17 John; but he adds, *That it extends only to the Lands which they had before*; which was all that was done then. But he ſaith, *That this Privilege was allowed by the general Conſent of the Realm*; however that were, it is certain that the *Lateran* Council made no Reſtriction to the three orders.

2 Inſt. 652.

But what ſhall we ſay to the *Præmonſtratenſes*, of whom he ſaith, *That they were diſcharged by a Bull of* Innocent III. This point was diſputed in the Caſe of *Dickenſon* and *Greenhow*. It was not denied, that they had obtained ſuch a Bull, but it was denied that it was ever received here. On the other ſide, it was ſaid, that their Bulls were confirmed; which doth not appear, nor that any Judgment was given in the Caſe. There is a Bull extant in the Collection of *Innocent*'s Epiſtles, to exempt the *Præmonſtratenſes* from *the Tithes of Lands in their own Hands*; but this was granted in the firſt Year of *Innocent* III. ſometime before the *Lateran* Council, and they might enjoy the ſame Privileges with the *Ciſtertians*, if it could be proved, that they were as generally received, which hath not yet been done. As to the *Ciſtertians* themſelves, there are conſiderable Limitations of their Privileges.

Popham. 156.

Innocent. 3. Epiſt. *l.* 1. Ep. 331.

1. They muſt relate to Lands in their Poſſeſſion before the *Lateran Council*, *A. D.* 1215. 17 of King *John*. And in matters againſt common Right, the Proof in Reaſon ought to be on thoſe who pretend to particular Privilege. But it's certain the *Ciſtertian* Order hath had many Lands in *England* ſince that time (and it were no hard matter to find them out.) But, ſuppoſe they were actually diſcharged at the Diſſolution, and the Proprietaries were to enjoy them in the State they found them, is not this a ſufficient Diſcharge? Yes, if it be a legal Diſcharge; for the Statute only puts them into the ſame legal Capacity they were in before; but if they were Lands given ſince the *Lateran* Council, they were not in a Capacity to be diſcharged by Law; for it was not otherwiſe received.

2. This Privilege doth not exclude ancient Compoſitions, as to their Demeſn Lands. For theſe Privileges did not go down ſo eaſily, but where there were Rectors able to conteſt it, they brought even the *Ciſtertians*, to Compoſitions. And the Pope himſelf appointed Commiſſioners here to compound the matter: And between the Monaſtery of *Pipewel* and *Hugh Patesbul* Rector of *Eltyndon*, which ended in Compoſition of ſix Marks *per Annum* for the Tithes of their Demeſns. And another between the Vicar of *Dunchurch* and the ſame Monaſtery; and between the Rector of *Wynſwick* for the Tithes of Ten Yard-Lands in *Colds Abby*. All which I have peruſed in the Regiſter of that Monaſtery *MS.*

3. The

3. The Privilege doth not hold where the Monaſteries were under Value, and came to the King by the Statute 27 *H.* 8. unleſs they were continued, and came within the Statute of Diſſolution, 31 *H.* 8. And it ought to be proved that they continued ſeparate; for if their Lands were given to the greater Monaſteries, they did not retain the Privilege upon Diſſolution. Coke R. 2. 47. Moor, 420. Cr. Car. 424.

But there is a much harder Point concerning the Hoſpitallers (who had the Lands of the Templars after 17 *E.* 2.) Their Lands were not given to the King by the Statute of Diſſolution, 31 *H.* 8. but 32 *H.* 8. *c.* 24. and the Clauſe of Exemption was left out of the Grant. Upon which a great queſtion hath riſen, whether their Lands are exempt or not? And Judgment was given againſt them in the Caſe of *Cornwallis*, or *Quarles* and *Spurling*. But in the Caſe of *Whiſton* and *Weſton*, it was argued, that the King had the ſame Privileges which the Hoſpitallers had. But it was replied, That other Lands given to the King after that Act, had not thoſe Privileges, as *Chanteries*, &c. It was ſaid, that it was, *becauſe they were not regular Eccleſiaſtical Bodies:* Which was a ſtrange Anſwer, conſidering what ſort of Eccleſiaſtical Bodies the *Hoſpitallers* made, when only the Grand Maſter and two Chaplains are bound to be *Eccleſiaſticks*; and in foreign Judicatures they were denied to be any part of the Clergy, being only an order of Knights under ſome particular Regulations. Cr. 2. 58. Moor, 913. Jones, 186. Bridgm. 33. Latch. 89. Rolls R. 2. 40. Selden of Tithes, 122.

But ſuppoſe them capable of Appropriations of Tithes, yet when the Body is diſſolved, the Appropriation falls of it ſelf, unleſs continued by Act of Parliament, as thoſe of the Templars were to them; and thoſe of the Monaſteries by 31 *H.* 8. but where there is no Clauſe to continue the Appropriation, it muſt be underſtood to be left to the natural courſe of things; and ſo the Appropriation ſinks.

III. The third legal Exemption is from Preſcription, and ancient Compoſitions. This ſeems a difficult Caſe, becauſe ſomething leſs than the real value is to be taken, and the Rule in *Lynwood* is, *non valet conſuetudo, ut minus quam Decima ſolvatur*; but in all ſuch Preſcriptions and Compoſitions there is leſs than the true Value. Lynw. *f.* 101.

To clear this matter, I ſhall ſhew,

1. That by our Eccleſiaſtical Law, all Compoſitions are not condemned.

2. That by the common Law all Preſcriptions are not allowed. And if theſe things be made out, it will follow, that where the Compoſitions and Preſcriptions are legal, the Clergy may with good Conſcience ſubmit to them, as they do in other matters of Law.

1. As to the Eccleſiaſtical Law, *Lynwood* himſelf makes theſe Limitations;

1. In caſe of perſonal Tithes. He grants that as to them, a Man may with a good Conſcience obſerve the Cuſtom although it be under the real Value. Now theſe are founded on the ſame Laws that *Prædial* and *mixt Tithes* are; and by the Stat. 2 *E.* 6. *c.* 13. they are reduced to a cuſtomary Payment before *Eaſter*, as it had been uſed Forty Years before: But beſides theſe there were Offerings to be compounded for, and the *Eaſter* Duties are a kind of Compoſition for perſonal Tithes. Lynw. *f.* 97. b. c. Conſuet. *f.* 99.

2. In ſmall Tithes, the cuſtomary Payment is allowed. The Payment in *Lynwood*'s time, was 6 *ob.* for ſix Lambs, becauſe it was the Tenth of the Value at that time of a Lamb of a year old; the ſeventh Lamb Lynw. *f.* 98.

was to be paid in kind, for which 3 *ob.* were to be paid back, becauſe three Lambs were wanting of the number Ten. But can any one believe that 5 *d.* was the true Value then of a Lamb of a year old? And *Lynwood* doth not ſuppoſe it to be the exact Value; but it was ſuch as the provincial Conſtitution determined, and he allows Compoſitions *ſuper minutis decimis.*

Lynw. f. 97. b.

3. Compoſitions were allowed with the Biſhop's Conſent with Lay-perſons for their Tithes. As to what is paſt, there was no doubt; but for the future he ſaith, it doth not hold *ſine Judicis auctoritate*; which implies, that by his Conſent it may. And if ſo, then a *Modus decimandi* ſo qualified, is allowed by the Eccleſiaſtical Law. Such Compoſitions as theſe were entred into the Biſhop's Regiſtries, and if they were then made upon a valuable Conſideration at that time, I doubt the Force of Cuſtom will get the better of the Reaſon that may be taken from the great Difference of Valuation of things.

2. Let us now conſider what Preſcriptions and Compoſitions are not allowable at Common Law.

1. No Preſcription *de non decimando*, is allowed among Lay-perſons, becauſe none but ſpiritual Perſons are by the Law capable of Tithes in their own Right. *A Lay-man*, ſaith Mr. *Selden*, *cannot be diſcharged of all Payment by meer Preſcription, unleſs he begins by Preſcription in a ſpiritual Perſon.* And to the ſame purpoſe our great Lawyers ſpeak. But in the famous Caſe of *Pigot* and *Hern*, a Diſtinction was found out, which may prove of dangerous Conſequence, *viz.* That although the Lord of a Manour cannot preſcribe for Tithes, becauſe he is not capable of them by our Law, yet he may preſcribe for a tenth Shock, as a *profit apprendre*, as a thing appurtenant to his Manour; and ſo he may have *decimam garbam*, but not *decimas garbarum.* Upon which Reſolution it is ſaid in the Biſhop of *Wincheſter*'s Caſe, that the Lord of a Manour may have Tithes as appurtenant to his Manour: For which there is no Foundation in our ancient Laws or Cuſtoms that I can find that is inconſiſtent with what is before acknowledged, that none but ſpiritual Perſons are capable of Tithes. But in plain Truth, this Caſe is not truly repreſented; and my Lord chief Juſtice *Hobart*, a perſon of great Judgment and Learning in the Law, hath told the World, That this famous reporter hath ſometimes given his own opinion, and that ſudden, inſtead of the Reſolution of the Court, which muſt take much off from the Authority of his Reports; eſpecially when the Caſe is differently reported by others; as it falls out in this Caſe. For Serjeant *Moor*, who was of Counſel in that Caſe, ſaith, That the Defendant pleaded a *Modus decimandi* in Satisfaction for Tithes, which was *6 s. per Annum:* But as to the other point, whether ſuch an ancient *Modus* being made with the Lord of a Manour, binds the Copy-holders, it is out of our way; but ſurely there ought to be good Proof, that the *Modus* was made before the Copy-holds were granted, which is not offered, but only that *it might be ſo*; which deſerves no other Anſwer, but that it might not be ſo. And it is hard indeed, when Judgments are given upon Poſſibilities. And for the diſtinction of *Decima Garba* and *Decimæ Garbarum*, in a Compoſition for Tithes, is the ſame thing. Mr. *Selden*, as to this Caſe of *Pigot* and *Hern*, ſaith, *It was an inheritance of Tithes from immemorial time, by virtue of an ancient Compoſition:* And he would not underſtand the Judges in any other Senſe: For no kind of Infeodation of Tithes is allow-

Selden of Tithes, p. 409. Coke R. 2. 44. Cr. 2. 47. Rolls, 653. Moor, 531, 425. Hob. 297. Cr. El. 599.

2 R. 45.

Hob. 300.

Moor, 483.

Moor, 278. Seld. p. 398.

allowable here, he ſaith, ſo as to create in Lay-men a perpetual Right to them (except only by the Statute of Diſſolution of Monaſteries) unleſs it be derived from ſome ancient Grant of Diſcharge from the Parſon, Patron and Ordinary, with a Conſideration of Recompence to the Parſon; and that either from time immemorial, or ancient Compoſition. And to the ſame purpoſe he ſpeaks in another place, where he owns, that by our Law every Parſon had a common Right to the Tithes of all annual Increaſe (*Prædial* or *Mixt*) within the limits of his Pariſh; and any Title or Diſcharge muſt be ſpecially pleaded. p. 285.

2. Where a Preſcription is pleaded *de modo decimandi*, the actual Recompence by Compoſition muſt be ſhewed. For, as my Lord *Coke* ſaith, a *Modus decimandi* is intended as a yearly Sum in way of Satisfaction for the Tithes to the Parſon; which *Rolls* calls the *actual Recompence.* Select Caſes. 43.

In the *Regiſter* the Account of the *Modus decimandi* is thus ſet down: 1. *There was a real Compoſition, as four Acres of Land for ſome ſmall Tithes.* 2. *There was an Agreement in Writing, by the Conſent of Ordinary and Patron.* Regiſter. 38. b.

But my Lord *Coke* ſaith, *the* Modus *may as well be for a Sum of Money as for Land.* 2 Inſt. 490.

Suppoſe no ancient Compoſition in Writing can be produced, how far doth a Preſcription hold?

1. It muſt be *immemorial*, or time out of mind. Here a great Point ariſes fit to be conſidered: Suppoſe the thing it ſelf hath been within Memory, as Improvements by Hops, Fruit-trees, *&c.* doth not a Compoſition bind in this Caſe? Bulſt. 2. 238.

I anſwer, that we are to diſtinguiſh *perſonal Contracts* from *real Compoſitions.* In the Caſe of *Hitchcock* and *Hitchcock*, there was a Contract between the Vicar and Pariſhioners, but it was denied to be a real Compoſition, although confirmed by the Ordinary, and affirmed not to be binding to the Succeſſors. March, 87.

A Compoſition by a meer verbal Agreement in the Caſe of *Hawles* and *Bayfield* was declared to be neither binding to the Party nor his Succeſſours. But in the Caſe of *Tanner* and *Small* it was declared to hold for Years, but not for Life. Hob. 176. Yelv. 94, 95.

My Lord *Coke* ſeems to be of Opinion, that if it be a Preſcription, it muſt be time out of Memory of Man; but that a real Compoſition may be either before or within Memory of Man; but then it muſt be by Parſon, Patron, and Ordinary. 2 Inſt. 653. Select Caſes, 40. 2 Inſt. 655.

It is well obſerved by Sir *Simon Degge* in his uſeful Book about theſe matters, that although real Compoſitions are ſuppoſed in Law to be the Foundation of Preſcriptions *de Modo decimandi*, where the Patron, Ordinary and Parſon did conſent to them; yet that the moſt of them have grown up by the Negligence and Careleſneſs of the Clergy themſelves; which, I am afraid, is too true. Leon. 1. 151. Parſon's Coun. Part. 2. c. 20.

And he is of opinion, that no real Compoſition can be made now to bind the Succeſſour, ſince the Statute, 13 *Eliz. c.* 10. which reſtrains all binding Grants to one and twenty Years, or three Lives; and if ſo, then the Conſent of Patron and Ordinary cannot make it good.

2. It muſt be reaſonable, and therefore it hath been rejected in theſe Caſes:

1. If it be a Preſcription to pay a certain Tithe without the Parſon's View of the nine parts, becauſe, ſaith *Hobart*, it is againſt the Law of Partition, in the Caſe of *Wilſon* and the Biſhop of *Carliſle*.

Hob. 107. Rolls, 647.

2. If there be no Recompence to the Parſon, as in the Caſe of *Scory* and *Barber*, the Preſcription was founded on the Pariſhioners finding Straw for the Body of the Church.

Rolls, 649. Cr. El. 276. March, 65.

3. If it be for paying what was due in lieu of other Tithes; as in the caſe of *Ingoldsby* and *Johnſon*, that they paid their other Tithes in lieu of Tithes of dry Cattel; or in caſe a Load of Hay be preſcribed for in lieu of Tithe-Hay, or ten Sheafs of Corn for the Tithe of all the reſt.

Cr. Eliz. 786. C. Select Caſes, 45. Bulſt. 2. 238.

4. If it be not for ſomething certain and durable. For this, ſaith *Hobart*, ſhews original Weakneſs in Compoſition; being of a thing certain and durable for that which is not ſo.

Hob. 40.

IV. The laſt Exemption or Diſcharge that is pleaded, as to the payment of Tithes, is unity of Poſſeſſion: This is, where a Monaſtery had the Right of Tithes by Appropriation, and had other Lands which did not pay Tithes, becauſe the owners, were to receive them, theſe were actually free at the time of Diſſolution; and the queſtion is, whether they are legally ſo by virtue of the Statute? It cannot be denied, that unity of Poſſeſſion is in it ſelf no legal Diſcharge; but whether by the Words of the Statute the Judges were divided in Opinion. But afterwards in the Caſe of *Green* and *Boſekin* the Judges allowed it, ſo it were not a meer unity of Eſtate, but of Occupation. *Hobart* ſaith, that after it had been long controverted, it was received as the common Opinion. *Coke*, that where unity of Poſſeſſion gives a diſcharge, the Title muſt be clear, the Non-payment general, and the Preſcription time out of Memory; but if the Appropriation were made in the time of *Ed.* 4. *H.* 6. it could not be diſcharged by unity; nor if it were a late Abby-preſcription.

Moor, 47. 420. C. R. 2. 47. Moor, 533. Hob. 298. 11 R. 14.

Thus I have endeavoured to lay this matter before you as briefly and clearly as I could, from the beſt Light I could get, that I might give you ſuch Directions, that you may neither run into needleſs and vexatious Suits, nor be run down by frivolous Pretences. It is your great Advantage that you have the Law of your ſide, if you underſtand it aright; but have a care of being ſet on by ſuch, whoſe Intereſt it is to promote Suits; and I am ſure it is yours to prevent them, *if it be poſſible, and as much as lies in you.* The Churches Right is not to ſuffer by your Negligence; and you are not to make the Church to ſuffer by your Contentions. He that loves going to Law, ſeldom fails of having enough of it; he ſuffers in his Purſe, in his Reputation, in his Intereſt, and the Church ſuffers by his Means. Endeavour to gain, as much as may be, the Love of your People by a kind, modeſt, courteous and peaceable Behaviour, which is the beſt way to prevent, or to compoſe Differences. If you are forced to ſue for your Maintenance let them ſee that you are forced to it, and that you are always willing to put an end to all ſuch Diſputes, if the Churches Right be ſecured, which you are bound to preſerve.

Of the OBLIGATION to obſerve the Eccleſiaſtical CANONS and Conſtitutions, at a Viſitation *October* 29th. 1696.

IN ſpeaking clearly and diſtinctly to this caſe, there are theſe two things to be conſidered;

I. By what Authority they do oblige.

II. In what way and Manner they oblige.

I. The firſt thing to be conſidered is the Authority by which Eccleſiaſtical Canons and Conſtitutions do oblige. For, if there be not ſufficient Authority, there cannot be that Obligation on Conſcience, which ſuppoſes a legal Exerciſe of Power, or a juſt Right to command. Our obedience to the orders of our Superiours, is due by virtue of that divine Law which requires us to *be ſubject for Conſcience-ſake:* But our obedience is to be regulated *by the order of Juſtice*, i. e. it ought to be according to Law. Therefore it is neceſſary, in the firſt place, to enquire whether there be among us any ſuch things as *Eccleſiaſtical Laws*, *i. e.* ſuch Rules, which according to the Conſtitution of our Government, we are bound to obſerve.

For we are Members of a Church eſtabliſhed by Law; and there are legal Duties incumbent on us, with reſpect, not only to the Laws of God, but of the Realm. For, although our Office and Authority, as Church-men, hath a higher Original; yet the Limitation of the Exerciſe of it, is within ſuch Bounds as are allowed and fixed by the Law of the Land.

It is therefore a matter of great Conſequence to us to underſtand how far our Eccleſiaſtical Conſtitutions are grounded upon the Law of the Land, which cannot be done without ſearching into the Foundations of our Laws.

Which lie in three things: 1. Immemorial Cuſtom. 2. General Practice and Allowance. 3. Authority of Parliament.

And I ſhall endeavour to ſhew how far our Eccleſiaſtical Conſtitutions are founded on theſe.

1. *Immemorial Cuſtom.* Our greateſt Lawyers allow ancient Cuſtom to be one of the Foundations of our Laws; and my Lord *Coke* calls it *one of the main Triangles of the Laws of* England. I ſuppoſe he means *Foundations.* And another ſaith, That *the common Law of* England *is nothing elſe but the common Cuſtom of the Realm.* My Lord chief Juſtice *Hales* ſaith, That *the common Uſage, Cuſtom and Practice of the Kingdom, is one of the main Conſtituents of our Law.* *Coke* quotes *Bracton's* Authority to prove, That *Cuſtom obtains among us the force of a Law, where it is received and approved by long uſe. And of every Cuſtom,* he ſaith, *there be two eſſential Parts, time and uſage; time out of mind, and continual and peaceable uſage without Interruption.* But in caſe of Preſcription or Cuſtom, he ſaith, That *an Interruption of ten or twenty years hinders not the Title, but an Interruption in the Right*; the other is only an actual *Suſpenſion for a time.*

1 Inſt. 11. b. 115. b. 344.

Preface to 4 R. Sir John Davis Pref. Hale's Hiſtory and Analyſis of the Law, MS. 1 Inſt. 110. b.

2 Inſt. 114. b.

It may be asked, how time and uſage come to make Laws, ſince *time hath no operation in Law*, ſaith *Grotius?*

Grot. de J. B. & P. *l.* 2. *c.* 4. Sect. 1.

Not

Not of it ſelf, as *Grotius* there ſaith, but with the Concurrence of other Circumſtances it may.

Bract. *l.* 1. *c.* 3. L. 2. *c.* 22. *n.* 1. L. 4. *c.* 17. *n.* 5. *c.* 40. Littl. Ten. Sect. 170. *Bracton* ſaith, *longa poſſeſſio parit jus poſſidendi*; and by a long and peaceable Poſſeſſion Dominion is transferred, without either Title or Delivery; which he founds on this good Reaſon, that all Claims of Right ought to have a certain limitation of time, and length of time takes away any Proof to the contrary. *Littleton* ſaith, *that time out of Memory of Man, is ſaid to give Right, becauſe no Proof can be brought beyond it.* And this he calls *Preſcription at common Law*, as it is diſtinguiſhed from *Preſcription* by the ſeveral Statutes of Limitations.

But whence is it then, that an immemorial Poſſeſſion gives Right?

Is it from the meer *Silence* of the Parties concerned to claim it? No, *Silence* gives no Conſent, where Ignorance or Fear may be the Cauſe of it. And is it a Puniſhment upon the Neglect of the Party concerned? So *Bracton* ſaith, *time doth it, per patientiam & negligentiam veri Domini.* But meer Neglect doth not overthrow Right, unleſs there be an antecedent Law to make that Neglect a Forfeiture.

Is it from a *preſumptive Derelict ion?* But that ſuppoſes not bare continuance of time, but ſome kind of voluntary Act, which implies a ſort of Conſent which doth not appear in this Caſe. And it is a great Miſtake in thoſe, who think there is no *preſumtive Derelict ion*, where there is not a full Conſent; for it may be, where there is the Conſent of a *mixt Will*, *i. e.* partly *voluntary*, and partly *involuntary*; when the Circumſtances are ſuch, as the Perſon rather chuſes to leave his Right, than ſubmit to the lawful Conditions of enjoying it: As if a Man would rather quit his Fee than perform the Service which belongs to it.

Is it from the common Intereſt of Mankind, that ſome Bounds be fixed to all Claims of Right? Becauſe otherwiſe that Man will be liable to perpetual diſturbance, if the Right be permitted to be claimed beyond any poſſibility of Proof.

Or is it, laſtly, that in ſuch Nations where immemorial Cuſtom obtains the force of a Law, it ſeems agreeable to the Foundations of Law, that a long continued Poſſeſſion ſhould carry Right along with it?

Glanv. Prol. Dr. and St. *c.* 7. And this was the caſe here in *England*, as not only appears by what *Bracton* hath ſaid, but *Glanvil* makes a great part of our Law to conſiſt of reaſonable Cuſtoms of long Continuance. And St. *Germain* affirms ancient general Cuſtoms to be one of the principal Foundations of our Law; and that they have the force of Laws, and that the King is bound by his Oath to perform them. And it is worth our while to obſerve what general Cuſtoms he doth inſtance in; as the Courts of Equity and Law, the hundred Court, the Sheriffs Turn, the Court-Baron, *&c.* which depend not upon Acts of Parliament, but the ancient Cuſtom of *England*, which he calls the *common Law.* And among theſe ancient Cuſtoms, he reckons up Rights of deſcent, Eſcheats, the different ſorts of Tenures, Freeholds, and the Laws of Property, as they are received among us.

We are now to enquire, how far any of our Eccleſiaſtical Conſtitutions can be ſaid to be built upon this Foundation; and upon immemorial Cuſtom generally received.

1. I place (1.) the Diſtribution of this national Church into two Provinces, in each whereof there is an Archbiſhop with Metropolitical Power, which lies chiefly in theſe things, (1.) the right of Conſecration

tion of his Suffragans. (2.) The Right of Visitation of every Diocess in such way and manner as Custom hath settled it. (3.) The right of receiving Appeals from inferiour Courts of Judicature in Ecclesiastical Matters. (4.) The right of presiding in provincial Councils of the Suffragans of his Province; which by the most ancient Constitutions of this Church, were to be held once a Year; so it was decreed in the Council under *Theodore*, *A. D.* 673. but by the Difficulties of the times, they were discontinued; and so the Authority of examining things through the Province, came by a kind of Devolution to the Archbishop and his Courts. (5.) The Custody of vacant Sees, by the Custom of *England*, falls to the Metropolitan, if there hath been no Custom or Composition to the contrary. And so it hath been upon solemn Debates resolved in our Courts of common Law. *Coke* thinks that of common Right it belongs to the Dean and Chapter, but by Custom to the Archbishop. But *Panormitan* saith, *There was no Pretence of common Right for them, till the time of* Boniface VIII.

Spel. Con. l. p. 153.

Rolls 2. 322. Bulst. 3. 176. Brownl. 1. 43. Kebl.

2. The ordinary Jurisdiction of every Bishop over the Clergy of his own Dioceſs. This is as ancient as Christianity among us. For no sooner were Churches planted, but there were Bishops set over them; who had from the beginning so much Authority, that none of the Clergy could either receive or quit his Benefice without their Consent and Approbation; and they were all bound to give an account of their behaviour at their Visitations; and in case of Contempt, or other Misdemeanours, they were to proceed against them according to the Canons of the Church. I do not say the Dioceſſes were at first all modelled alike, or with the same bounds which they now have; which was unreasonable to suppose, considering the gradual Conversion of the Nation. For at first there was but one Bishop in every one of the *Saxon* Kingdoms, except *Kent*, where was but one Suffragan to the Metropolitan for some time, till the Kingdoms came to be united; or the Kings consented to an Increase of several Dioceſſes, and uniting them under one Metropolitan, which was a work of time. But in all the *Saxon* Councils we find no mention of any Ecclesiastical Jurisdiction, but what was in the Bishops themselves, *Concil. Cloveshoe Can.* 1, 4, 5. *Concil. Cealchyth. Can.* 1. *Egbert Canon. c.* 45, 62. The first who began to seek for Exemptions, were the Abbots, who were under the Bishop's Jurisdiction, who was too near them; and therefore they endeavoured to get under the Pope's immediate Jurisdiction by Charters of Exemption, which the great Abbies either procured or made; and the more *ancient* the more *suspicious*. But the Lord Chancellor and three chief Judges declared, that by the common Law of *England*, every Bishop in his Dioceſs, and the Archbishops in Convocation may make Canons to bind within the Limits of their Jurisdiction.

3. Panor. in c. Cum olim.

Moor, R. 783.

3. The subordinate Jurisdiction which was lodged in the Bodies of the Clergy resident in Cathedral Churches, and of Archdeacons in the several Dioceſſes: I cannot find either of these to have had any Jurisdiction here before the Conquest, neither were there any Courts of Justice out of the several Counties before; for all *Causes* were transacted in the *County Courts* and *Sheriffs Turns*, and Appeals lay from them to the Supreme Judicature of the King and the Lords. But this doth not hinder but these Courts may be founded on the Law of *England*. And so the original Jurisdiction, which of Right belonged to the Bishop, might by decrees, and a gradual Consent, come to be committed, as to

some

ſome parts, to the Bodies of Cathedral Churches, and to the Archdeacons, who are, ſaith my Lord *Coke*, ſixty in *England*. We are told in a late Caſe of *Woodward* and *Fox*, *That there are Archdeaconries in* England *by Preſcription, which have no dependency on the Biſhop, but are totally exempt.* And for this *Godolphin* is cited, who refers to the *Gloſs* on the *Legatine Conſtitutions*, *f.* 27. where we read of *ſome Archdeacons having a cuſtomary and limited Juriſdiction ſeparate from the Biſhop, for which a Preſcription lies.* But this is only for ſome *ſpecial Juriſdiction*; as the Archdeacon of *Richmond* for *Inſtitutions*, which came firſt by Grant from the Biſhops; but that not being to be produced, they inſiſt upon Cuſtom and Preſcription, as the Deans and Chapters do, where the ancient Compoſitions are loſt, But none who underſtand the ancient Conſtitutions of this Church, can ſuppoſe either of them to have been original, ſince the Right to the Juriſdiction of the Dioceſs was in the Biſhop, before there were here either *Archdeacons* or *Chapters* with Juriſdiction. In the caſe of *Chiverton* and *Trudgeon*, it was declared, that an Archdeacon might have a peculiar Juriſdiction, as to Adminiſtration, *&c.* as the Dean of S. *Paul*'s had at S. *Pancras*; and ſo the Archdeacon of *Cornwall*, as to Wills. In the caſe of *Gaſtril* and *Jones* the chief Juſtice declared, that the Archdeacon is the Biſhop's Officer, and his Authority ſubordinate to the Biſhops, and granted by them; but if ſpecial Cuſtom be pleaded, that muſt be well proved; to which *Dodderige* agreed.

1 Inſt. 94. Ventris, II. 189. 269. Godol. 61, 65. Rolls R. 2. 150. 449.

But we muſt diſtinguiſh between *Archdeaconries by Preſcription*, for which I can find no Foundation (being all derived by Grant from the Biſhop) and *Archdeacons* having ſome kind of *Juriſdiction by Preſcription*, which others have not; which cannot be denied. All the Power which the *Archdeacons* have by virtue of their Office, is *per modum ſcrutationis ſimplicis*, as *Lynwood* ſpeaks, *tanquam Vicarius Epiſcopi*: Whatever Power they have beyond this, is not *Jure communi*, but *Jure ſpeciali*, and depends either upon Grant or Cuſtom; which the *Gloſs* on the *Legatine Conſtitutions* calls *a limited Juriſdiction.*

De Offic. Archdiac. Gloſſ. in Conſt. Oth. p. 27.

The *Archdeacon's Court* is declared by the Judges in *Woodward's* Caſe to have been, *time out of Mind, ſettled as a diſtinct Court, from which there lies an Appeal to the Biſhop's Court*, by the Statute, 24 *H.* 8. *c.* 12.

Ventris, II. 269. 4 Inſt. 339.

And ſo the *Archdeacon*'s Juriſdiction is founded on an immemorial Cuſtom, in ſubordination to the Biſhops.

As to the *Deans* and *Chapters*, I obſerve theſe things:

1. That although Eccleſiaſtical Bodies in Cathedrals were very ancient, yet we read not of any Juriſdiction peculiar to themſelves, during the *Saxon* times. My Lord *Coke* ſaith, *there were Chapters, as the Biſhop's Council, before they had diſtinct poſſeſſions. And by their Books*, he ſaith, *it appears, that the Biſhops parted with ſome of their Poſſeſſions to them, and ſo they became Patrons of the Prebends of the Church:* Such were *London*, *York* and *Litchfield.*

3 R. 75.

2. That ſeveral of our Chapters were founded and endowed by the Biſhops ſince the Conqueſt: Such was that of *Salisbury* and *Oſmund* out of his own Eſtate, as appears by his Chapter, and the Confirmation of *H.* 2. So was that of *Lincoln* by *Remigius*, who removed the See from *Dorcheſter* thither, and placed there a Dean, Treaſurer, Præcentor, and ſeven Archdeacons, as *Henry* of *Huntingdon* ſaith, who lived near the time. And in following times thoſe of *Exeter* and *Wells* were ſet-

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tled as *Dean* and *Chapter*; for they were Eccleſiaſtical Bodies before, but not under that Denomination.

3. That ſome had the legal Rights of *Dean* and *Chapters*, as to Election of Biſhops, and Confirmation of Leaſes, *&c.* but were a Monaſtick Body conſiſting of Prior and Convent: Such were *Canterbury*, *Wincheſter*, *Worceſter*, after the Expulſion of the ſecular Canons; for the Monks not only enjoyed their Lands, but were willing enough to continue the Name of *Dean* among them: As at *Canterbury*, after *Dunſtan*'s time, *Agelmothas* is called *Dean*; in *Worceſter Wolſton* is called *Dean* when he was *Prior*; and *Winſius*, upon the firſt change, is ſaid to be placed *loco Decani*, by *Florence* of *Worceſter*. At *Norwich*, *Herbert* the Biſhop founded the *Prior* and *Convent* out of his own Poſſeſſions in the time of *William* II. and they became the *Chapter* of the Biſhop by their Foundation. Now as to theſe, it is reſolved in the *Dean* and *Chapter* of *Norwich*'s Caſe, that when the King transferred them from a *Prior* and *Convent*, the *legal Rights* remained the ſame. And in *Hayward* and *Fulcher*'s Caſe, the Judges declared, that *an Eccleſiaſtical Body may ſurrender their Lands, but they cannot diſſolve their Corporation, but they ſtill remain a Chapter to the Biſhop.* And it was not only then delivered, but ſince inſiſted upon in a famous caſe, *that it was the Reſolution of the Judges, that a ſurrender cannot be made by a Dean and Chapter, without conſent of the Biſhop, becauſe he hath an intereſt in them.*

Mon. I. 140. Florent. A. 569. Anderſon, II. 120. 1 Inſt. 102. b. 3 R. 75. Palmer 501. Jones 168. Quo Warranton, 14.

4. That *H.* 8. endowed ſome as *Chapters* to new erected Biſhopricks, as *Cheſter*, *Briſtol*, *Oxford*, &c. 31 *H.* 8. 9. 34 *H.* 8. 17. and united others, as *Bath* and *Wells*, and *Coventry* and *Litchfield*, 33 *H.* 8. 30. 34 *H.* 8. 15.

5. That where the Cuſtom hath ſo obtained, there may be a *legal Chapter* without a *Dean*; as in the Dioceſſes of S. *David*'s and *Landaff*, where there is no other Head of the Chapter but the Biſhop; but they muſt act as a diſtinct Body in Elections and Confirmations of Grants by the Biſhops.

6. That by the ancient Cuſtom of *England*, there are ſole Eccleſiaſtical Corporations as well as aggregate. A ſole Eccleſiaſtical Corporation, is, where a ſingle Perſon repreſents a whole Succeſſion, and under that Capacity is impowered to receive and to convey an Eſtate to his Succeſſors: As Biſhops, Deans, Archdeacons, Parſons, *&c.* But Parſons and Vicars are ſeized only in Right of the Church, but as to a Biſhop, *he may have a Writ of Right, becauſe the Fee-ſimple abideth in him and his Chapter; and ſo may a Dean and Maſter of an Hoſpital:* And theſe are called *Bodies Politick* by *Littleton*.

1 Inſt. 341. b.

That the Exerciſe of the Biſhop's Power may be reſtrained by ancient Compoſitions, as is ſeen in the two ancient Eccleſiaſtical Bodies of S. *Pauls* and *Litchfield*. Concerning which, it is to be obſerved, that where the Compoſitions are extant, both Parties are equally bound to obſerve their parts. Thus by the Remiſneſs and Abſence of the Biſhops of *Litchfield* from their See, by going to *Cheſter*, and then to *Coventry*, the Deans had great Power lodged in them, as to Eccleſiaſtical Juriſdiction there. After long Conteſts, the matter came to a Compoſition, *A. D.* 1428. by which the Biſhops were to viſit them but once in ſeven Years, and the *Chapter* had Juriſdiction over their own Peculiars. So in the Church of *Sarum* the Dean hath very large Juriſdiction, even out of the Biſhop's Dioceſs; which makes it probable to have been very ancient; but upon conteſt it was ſettled, by Compoſi-

300. Sect. 645. Sect. 413.

tion between the Biſhop, Dean, and Chapter, *A. D.* 1391. But where there are no Compoſitions, it depends upon Cuſtom, which limits the Exerciſe, altho' it cannot deprive the Biſhop of his Dioceſan Right.

4. The delegate Juriſdiction which was committed to the ſeveral Officers of the Biſhops Courts, and the manner of their Proceedings, is founded upon immemorial Cuſtom. In the *Saxon* times I find no Delegation of Eccleſiaſtical Juriſdiction; for the Biſhops ſate in Perſon in in the County-Courts, and there heard Eccleſiaſtical Cauſes, as appears by the Charter of *H.* 1. when he pretended to reſtore the *Saxon* Laws, *c.* 7. But *William* I. had ſettled the *Conſiſtory Court* by as good a Law as any that was made at that time, diſtinct from the County-Court, and required all Eccleſiaſtical Cauſes to be there heard; and his Son *H.* 1. did but make a ſhew of reſtoring the *Saxon* Laws, and the former Law came to be generally receceived, and ſo Mr. *Selden* yields, that *it grew to be a general Law*; which ſhews that it obtained the force of a Law by Conſent, as well as by Authority. The *Conſiſtory Courts* being thus ſettled, and Numbers of Cauſes there depending, and the Biſhops being then by *H.* 2. in the Conſtitutions of *Clarendon* ſtrictly tied to Attendance upon the Supreme Courts of Judicature, with other Barons, there came a Neceſſity of taking in other Perſons with a delegated Power to hear Cauſes, and to do ſuch other Acts of Juriſdiction as the Biſhops ſhould appoint. For it was allowed that *Jure communi*, the Juriſdiction was in the Biſhop; but *Jure ſpeciali, & in auxilium Epiſcopi*, it might be delegated to others. And ſo it hath been here received, and not only here, but it hath been the general Practice of Chriſtendom. As to the manner of proceeding in the Eccleſiaſtical Courts, it is the ſame in all Parts, and built on the ſame Grounds with thoſe of our Courts of Equity and Admiralty, which are as different from thoſe of the Common Law.

Selden of Tithes, p. 413.

Bordenave, *f.* 69.

5. The ſettling parochial Rights, or the Bounds of Pariſhes depends upon an ancient and immemorial Cuſtom. For they were not limited by any Act of Parliament, nor ſet forth by ſpecial Commiſſioners; but as the Circumſtances of Times and Places, and Perſons did happen to make them greater or leſſer.

In ſome places Pariſhes ſeem to interfere, when ſome place in the middle of another Pariſh belongs to one that is diſtant; but that hath generally happened by an unity of Poſſeſſion, when the Lord of a Manour was at the charge to erect a new Church, and make a diſtinct Pariſh of his own Demeſns, ſome of which lay in the compaſs of another Pariſh. But now care is taken by annual Perambulations to preſerve thoſe Bounds of Pariſhes, which have been long ſettled by Cuſtom. But the Bounds of Pariſhes is not allowed to belong to the Eccleſiaſtical Juriſdiction.

II. The next Foundation of Law, is a *general Practice*, and *Allowance*, i. e. when things of themſelves do not oblige by the Authority of thoſe that made them; yet being generally received and allowed, they thereby become Law to us. This we have in an Act of Parliament, 25 *H.* 8. *c.* 21. wherein it is ſaid, that the People of *England* are only bound to ſuch Laws as are properly their own, being in Subjection to no Foreign Legiſlative Power. But were not many things here received for Laws, which were enacted by foreign Authority, as the *Papal* and *Legantine Conſtitutions?* True, ſay they, but it is not by virtue of their Authority, but by the *free Conſent of the People*

People in the Uſe and Allowance of them: And ſo they are not obſerved as the Laws of any foreign Prince, Potentate, or Prelate, but as the cuſtomed and ancient Laws of this Realm, originally eſtabliſhed as Laws of the ſame, by the ſaid ſufferance, Conſent and Cuſtom, and no otherwiſe.

So that here we have a full and expreſs Declaration by Parliament, that ſuch Canons as have been received and allowed by ancient Cuſtom, make a part of our Laws, and continue to oblige, provided that they be not repugnant to the King's Prerogative, nor to the Laws, Statutes, and Cuſtoms of the Realm, as it is expreſſed in another Act of the ſame Parliament, 25 *H.* 8. *c.* 19.

The Eccleſiaſtical Laws, ſaith my Lord *Coke*, *are ſuch as are not againſt the Laws of the Realm*, viz. *the common Law, and the Statutes and Cuſtoms of the Realm: And according to ſuch Laws the ordinary and other Eccleſiaſtical Judges do proceed in cauſes within their Coniſance.* 1 Inſt. 344.

So that by the Acknowledment of this great Oracle of the common Law, there are *Laws Eccleſiaſtical* in force among us, and Cauſes to be judged by thoſe Laws, and Officers appointed by the Law to proceed according to them.

The *Eccleſiaſtical Laws* and *Ordinances* are owned by the Statute, 27 *H.* 8. *c.* 20. 32 *H.* 8. *c.* 7. 35 *H.* 8. *c.* 19. after the Commiſſion appointed for the Review of them, 1 *E.* 6. *c.* 2. The Eccleſiaſtical Courts are appointed to be kept by the King's Authority, and proceſs to be iſſued out in his Name in all Suits and Cauſes of inſtance between Party and Party, where the Cauſes are particularly mentioned, which belong to thoſe Courts, and no Alteration is made in them, as to their Powers, but only that the proceſs ſhould be in the King's Name.

But ſome Perſons in our Age, who love to be always ſtarting Difficulties to humour ſuch as bear Ill-will to our Conſtitution, have ſuggeſted, that although this Act was repealed, 1 Q. M. 2. yet that Repeal was taken off, 1 *Jac.* 25. *n.* 48. therefore, ſay they, this Stat. 1 *E.* 6. is revived.

But the plain and ſhort Anſwer is this, that there was no need of any Debate about the Repeal of the Statute of *E.* 6. after the firſt of Q. *Eliz.* becauſe then the Statute, 25 *H.* 8. *c.* 20. was expreſly revived, wherein the Biſhops were impowered *to act as before they might have done, according to the Laws and Cuſtoms of the Realm.* By which no leſs Men of the Law than *Coke*, *Popham*, and other Judges did think *the Stile of the Court, and manner of their Proceedings was comprehended.* And the *ancient Epiſcopal Juriſdiction is declared to be according to Law*, by the Stat. 1 *El. c.* 1. *and all foreign Juriſdiction is aboliſhed, and the Eccleſiaſtical Juriſdiction annexed to the Crown of this Realm*; which is owned by every Biſhop when he takes the *Oath of Supremacy*. How then can it be imagined, that he ſhould do any more to the Prejudice of the Crown, by the proceſs being in the Biſhop's Name, than the Lord of a Manour doth, when he keeps his Courts in his own Name? To ſuppoſe that it is owning a *foreign Juriſdiction*, is ridiculous; for the Biſhops of *England* never pretended to act as *Ordinaries*, by virtue of a Juriſdiction from the Pope, but by virtue of their Original Authority which they had by the Laws of the Realm, as to their exterior Juriſdictions. And the Authority they then acted by from the Pope, was in Caſes *extraordinary*, when they were delegated by particular Commiſſion. And if there had been a real Derogation from the King's Prerogative, in the proceſs being in the Biſhop's Name, can any Man of Senſe imagine, that it would have been per- C. 12. 8.

mitted in such jealous times as to *Supremacy*, as the latter end of *H.* 8. and the whole Reign of Q. *Elizabeth* were, wherein the Bishops wanted not Enemies, but their Malice would have been too apparent, if they had insisted on such Objections? But to proceed in shewing that the Ecclesiastical Laws have been owned by Acts of Parliament since the Reformation, 2 *E.* 6. *c.* 13. *n.* 13. *The Ecclesiastical Judges are required to proceed according to the King's Ecclesiastical Laws.*

And to the same purpose, 1 *E. c.* 2. *n.* 23.

1 Inst. 11. 4 Inst. 321. Procem. to 4 Inst. 1 Inst. 96. Accordingly my Lord *Coke* frequently owns the *Ecclesiastical Laws and Jurisdiction*, so they be *bounded by the Laws of the Realm*; of which there can be no question. *For deciding of Controversies, and for distribution of Justice*, saith he, *there be within this Realm two distinct Jurisdictions; the one Ecclesiastical, limited to certain spiritual and particular Cases; the other secular and general, for that it is guided by the common and general Law of the Realm.*

And to the same purpose my Lord chief Justice *Hales* in several places in a *MS.* discourses of the *History and Analysis of the common Law, ch.* 1. *and* 2. But here the great Difficulty lies in finding out what these *Canons* and *Constitutions* are which have been so received and allowed by our Laws.

Stat. de Merton. c. 9. For it is certain, that several *Canons* made by Popes, were not received here, as in the Statute of *Merton*, about *Legitimation* of Children born before Marriage, *Stat. Mer. c.* 9. where the Lords declared *they would not alter the old Laws for a new Canon.* For *Alexander* III. in the time of *Hen.* II. had made a Canon to that purpose; but as Glanvil, l. 7. c. 15. *Glanvil* saith, it was *contra jus & consuetudinem Regni.*

Stat. de Bigamis, c. 5. The Canon to take away the benefit of the Clergy from *Bigami*, was debated in Parliament how far it should be received, and the sense there declared, which was complained of, 51 *E.* 3. and taken away, 1 *E.* 6. *c.* 12.

The Canon against Investiture of Bishops by a Lay-hand, was never here received; for although *H.* 1. after a long Contest gave it up, yet it was resumed by his Successors.

Popham. 157. The Canons for Exemption of the Clergy, were never fully received here. Some Lawyers say, it was never observed; I suppose they mean according to the Canons, but that they had legal Privileges here, although not a total Exemption, cannot be denied by any one versed in Spelm. Concil. 2. 342. our Laws from the *Saxon* times.

The Pope's Canon for the Clergy, not being taxed without his consent, was never received, as appears by the Contests about it in the time of *E.* 1. and their Submission afterwards.

The Pope's Canons about Appeals, Provisoes, Dispensations, *&c.* were never received by such a general Consent as to make them Laws; they were sometimes practised by Connivance, and the Kings, when it served their purposes, let them alone; but as often as there was occasion, they were contested and denied, and Statutes made against the Execution of them.

Some Canons I find disputed, whether they were received by the Law of *England* or not.

De Filiis Presbyt. cum à jure sit inhibit. Lynw. f. 32. As the Canon *against Clergymens Sons succeeding their Fathers in their benefices immediately, without a papal Dispensation*, is not only a part of the Canon Law, but enter'd in our provincial Constitutions. But in the Case of *Stoke* against *Sykes*, it was held by *Dodderidge* and *Jones*, two learned

learned Judges, that *this Canon was not received here.* And *Dodderidge* instanced in two other Canons not received; as *against a Man's marrying a Woman he had commited Adultery with*; and *a Lay-man's not revoking his first Presentation.* And Sir *John Davis* mentioned *reckoning the Months for Presentation by Weeks, and not by the Calendar.* But both these are disputable Points. Latch. 191. Popham. 157.

For some say, as to the former, *that none but the King can revoke a Presentation.* But the Canonists think a private Patron may vary with the Bishop's Consent. Leon. I. 156. Hugh's Pars.

And as to the way of *computing the Months*, it hath been differently resolved; but in *Catesbie*'s Case, it was determined to be *Calendar Months* for many Reasons. But in the ancient Resolution in the time of *E.* II. the *Tempus semestre* was reckoned from notice to the Patron, and not from the death of the Incumbent. *Rolls* saith, *By our Law it is from the time the Patron might have notice, with regard to the distance of the Place where the Incumbent died:* Which leaves the matter uncertain. But the *Register* reckons *from the Vacancy.* Law, c. 12. Lynw. f. 119. Leon. I. 39. 6 R. 61. Rolls A. 2. 363. Reg. 42. b.

In many other cases the foreign Canons were not received, for they allow but *four Months to a Lay-Patron*, but our Law *six Months*; they deny *any Sale of a Right of Advowson*, but our Law allows it, and a Separation of it from the Inheritance, which the Canon Law allows not; and so in other particulars, but these are sufficient to my purpose. 2 Inst. 361.

It is observable, that after the Council of *Lions*, where the Pope was present, *Peckham*, Archbishop of *Canterbury*, called a provincial Council, wherein he mentions the difference of our Customs from all others, and a Temperament to be made suitable to them. And our Judges in the great Case of *Evans* and *Ayscough*, declared, that *no Canons bind here, but such as are received by the Realm.* And *Dodderidge* said, that *our Ecclesiastical Law doth not consist of the Pope's Decretals, but is an Extract out of the ancient Canons, General and National.* But the Judges agreed, that *when they are received, they become part of our Law.* Spelm. Concil. II. 329. Jones, 160. Latch. 234. Palmer, 458. 469.

Lord Chief Justice *Vaughan* saith, that *if Canon Law be made a part of the Law of the Land, then it is as much the Law of the Land, and as well, and by the same Authority, as any other part of the Law of the Land.* Vaugh. 21.

In another place, that *the ancient Canon Law received in this Kingdom, is the Law of the Kingdom in such Cases.* 132.

In a third, that *a lawful Canon, is the Law of the Kingdom, as well as an Act of Parliament.* 327.

III. I now come to the third thing, *viz. The Power of making Canons by Act of Parliament.*

This is founded on the Statute 25 *H.* 8. *c.* 19. The Words are, that *no Canons, Constitutions and Ordinances, Provincial or Synodal, shall be made, promulged and executed without the King's Royal Assent or Licence.*

Canons so made, and authorized by the King's Letters Patents, according to the form of the Statute, are said by Lord Chief Justice *Vaughan*, to be *Canons warranted by Act of Parliament.* And such he affirms the Canons of *A. D.* 1603. to be. Vaugh. 327.

But some have objected,

That these are only Negative Words, and are not an Introduction of a new Law, but a Declaration of what the Law was before. Bagshaw's Arg. about the Canons, p. 10.

But my Lord *Coke* with far greater Judgment, limits that Expression, *that what was then passed, was declaratory of the common Law*, to that Clause, that no Canons should be in Force, which were repugnant to the Laws of the Realm. 4 Inst. 323.

But

But as to the *making of new Canons*, he only ſaith, that *their Juriſdiction and Power is much limited, becauſe they muſt have licence to make them, and the King's Royal Aſſent to allow them, before they be put in Execution.* But he never imagined the Senſe of the Statute to be, that no Canons could be made but in Parliament, or that the King had not a Power to confirm new Canons made by the Convocation.

As to the Law, as it ſtood before, we muſt diſtinguiſh theſe two things;

1. *Convocations* called by the *King's Writ* to the Biſhops, and the body of the Clergy, could never aſſemble without it. But the Writ for the Convocation to ſit with the Parliament, (not together in Place, but at the ſame time) is contained in the Writ to the Biſhop, and begins with the clauſe *Præmunientes*. And it is moſt probable, that it began on the ſame Ground that the Attendance of Burgeſſes did, *viz.* That when they were brought into the Payment of Subſidies, they ought to give their Conſent. For I find, that in the time of *H.* 3. *A. R.* 39. the *inferiour Clergy* complained, *That they were taxed without their Conſent.*

Annal Burton. 356.

2. *Convocations* called by the *King's Writ to the Archbiſhops*; and in this Province the Archbiſhop ſends his *Mandate* to the *Biſhop of London*, who is to ſummon all the Biſhops, *&c.* to appear at a certain Time and Place, and to act as they receive Authority from the King.

The not diſtinguiſhing theſe two *Writs*, hath cauſed ſo much Confuſion in ſome Mens Minds, about the Rights of the Convocation: For they imagine that the *Convocation*, as it treats of *Eccleſiaſtical Matters*, ſits by virtue of the firſt Writ, which is in the Biſhops Summons to Parliament; but that related to them as one of the three *Eſtates* of the Realm, whoſe Conſent was then required to their own Subſidies, which were diſtinctly granted, but confirmed by the other *Eſtates*.

But the other Writ was directed to the Archbiſhop, by which the Biſhops and Inferior Clergy were ſtrictly required to appear, and then to underſtand the King's further Pleaſure, as appears by the moſt ancient Writs for a Convocation. Which ſhews, that the Convocation, properly ſo called, is an occaſioned Aſſembly for ſuch purpoſes as the King ſhall direct them when they meet. And this was the true Foundation upon which the Statute, 25 *H.* 8. was built. For it cannot be denied, that in Fact there had been Convocations for Eccleſiaſtical Purpoſes called without the King's Writ, by virtue of the Archbiſhop's Legatine Power, which was permitted to be exerciſed here, although it were an Uſurpation upon the King's Right. So even in the time of *H.* 8. although there were a Convocation ſummoned by the King's Writ to the Archbiſhop of *Canterbury*, yet Cardinal *Wolſley*, by virtue of his Legatine Power, ſuperiour to that of the Archbiſhop, removed the Convocation to another place, and preſided in it: Which was as great an Affront to the King's as well as the Archbiſhop's Authority, as could well be imagined. But this was then patiently born: Wherefore the Statute is to be underſtood of Legal, and not of *Legatine Convocations*.

But when H. 8. was ſufficiently provoked by the Court of *Rome*, he reſolved to reſume the ancient and legal Rights of the Crown, howſoever diſuſed by modern Uſurpations. And among theſe he claimed this of ſummoning the Convocation, and directing the Proceedings therein.

The

The difference of these Writs will best appear by the Instance of the Convocation, *A. D.* 1640.

In the Year 1639. about the first of *February* the Parliament Writ was issued out to the Bishops for calling their Clergy to Parliament; and this is only *ad consentiendum iis quæ tunc ibidem de communi Concilio Regni nostri contigerint ordinari.*

The other Writ for the Convocation to the Archbishops was issued out the twentieth of *February*, and had his Clause, *ad tractandum, consentiendum, & concludendum super præmissis & aliis quæ sibi clarius exponentur ex parte meâ.*

The Parliament at that time being dissolved, it's certain the *Convocation* sitting by virtue of *the Writ to the Bishops* must fall with it: But a great Question arose, whether the *Convocation* sitting *by the Writ to the Archbishops*, was dissolved, or not? And the greatest Judges and Lawyers of that time were of Opinion it was not. But those were not times to venture upon such Points, when People were disposed to find fault, as they did to purpose, when the next Parliament met; who made use of the sitting of this *Convocation*, and the *Canons* then pass'd, as one of the popular Themes to declaim upon against the Bishops, and to inflame the Nation against the whole Order.

The greatest objection in Point of Law, was, that the Commission had a Respect to the Convocation sitting in Parliament time, which began 13 *April* 1640. and the Commission bore Date *April* 15. the Parliament was dissolved *May* 5. and the 12th of *May* a new Commission was granted, which made void that of the fifteenth of *April*; and so what was done by virtue of that, must be done out of Parliament, so and not in Convocation, according to 25 *H.* 8. 19. although these Canons were confirmed by the King's Authority the thirtieth of *June* the same Year.

After the King's Restoration, an Act of Parliament passed for Restoring the Bishop's ordinary Jurisdiction; wherein a Clause is added, *That this Act did not confirm those Canons* of 1640. but left the Ecclesiastical Laws as they stood 1639. which Act being passed by the King's Assent, it voids the former Confirmation of them, and so leaves them without Force. But the Alteration of our Law by the Act, 25 *H.* 8. *c.* 19. lay not in this, that the Convocation by the King's Writ to the Archbishop, could not sit but in Parliament time (although that in all respects be the most proper time) for there is not a Word tending that way in the Statute; but *provincial Councils* having been frequently held here, without any Writ from the King, and therein treating of Matters prejudicial to the Crown, by virtue of a Legatine Power, there was great Reason for the King to resume the ancient Right of the Crown. For so *William* I. declared it in *Eadmerus*, that *nothing should be done in provincial Councils without his Authority.* But afterwards we find *Hubert*, Archbishop of *Canterbury*, holding a *provincial Council against the King's Prohibition*; and several Writs were sent to them to prohibit their medling in Matters of State in prejudice to the Crown, 18 *H.* 3. under penalty of the Bishop's forfeiting their Baronies; and to the like purpose, 35 *E.* 1. 15 *E.* 2. 6 *E.* 3. which seems to be a tacit Permission of these *provincial Councils*, provided they did nothing prejudicial to the Crown. And from such Councils came our *provincial Constitutions*, which *Lynwood* hath digested according to the Method of the Canon Law, and hath therein shewed what part of the Canon Law hath any

13 Car. 2. c. 12.

Eadm. Hist. p. 6.

Hoveden. p. 806. Spelm. II. 123.

Force

Force here; not by virtue of any Papal or Legatine Power, but by the *general Conſent of the Nation*, by which they have been received among us.

But my buſineſs is not now with *Canons* ſo received, but with *Canons made according to the Statute*, 25 *H.* 8. 19. for it is ridiculous to imagine thoſe are only negative Words, for then they exclude the King's Power of calling a Convocation, as well as confirming the Acts of it. For to what purpoſe is the King's Writ to call them together, if being aſſembled they can do nothing?

Ventris Rep. II. 42.

But I have already mentioned my Lord Chief Juſtice *Vaughan*'s Opinion, that *the* Canons *made* A. D. 1603. *are warranted by* 25 *H.* 8. *c.* 19. It was urged by the Council in the caſe of *Grove* and *Eliot*, 22 *Carol.* 2. That *no* Canons *can alter the Law, which are not confirmed by Act of Parliament.* But it was ſaid on the other ſide. that *theſe* Canons *had been always allowed, having been confirmed by the King.* One of the Judges ſaid, that *the King and Convocation cannot make* Canons *to bind the* Laity, *but only the* Clergy. But *Vaughan* ſaid, that *thoſe* Canons *are of Force, although never confirmed by Act of Parliament, as no* Canons *are*; *and yet*, ſaith he, *they are the Laws which bind and govern in* Eccleſiaſtick Affairs. *The Convocation, with the Licence and Aſſent of the King, under the Great Seal, may make* Canons *for Regulation of the Church, and that as well concerning* Laicks *as* Eccleſiaſticks; and ſo is *Lynwood.* There can be no queſtion in *Lynwood*'s time, but Eccleſiaſtical Conſtitutions were thought to bind all that were concerned in them; and the Eccleſiaſtical Laws which continue in Force by Cuſtom and Conſent, bind all; the only Queſtion then is about making new Canons, and the Power to make them, is by virtue of an Act of Parliament, to which the Nation conſented; and ſo there need no Repreſentatives of the People in Convocation. And no ſuch thing can be inferred from *Moor*, 755. for the Judges declared *the Deprivation of the Clergy for not conforming to the Canons, to be legal*; but they ſay nothing of others. But in the Caſe of *Bird* and *Smith f.* 783. the Chancellor and three Chief Judges declared, that the Canons made in Convocation by the King's Authority, without Parliament, do bind in Eccleſiaſtical Matters, as an Act of Parliament. And therefore I proceed to ſhew,

II. In what manner we are obliged to the obſervation of theſe *Canons*; concerning which I ſhall premiſe two things.

1. That I meddle not with ſuch *Canons* as are altered by Laws; for all grant, that unleſs it be in Moral Duties, their force may be taken away by the Laws of the Land.

2. There are ſome Canons, where the general diſuſe in matters of no great Conſequence to the Good of the Church, or the Rights of other Perſons, may abate the Force of the Obligation; eſpecially when the diſuſe hath been connived at, and not brought into Articles of Viſitation, as *Can.* 74. about *Gowns with ſtanding Collars, and Cloaks with Sleeves.* But the general Reaſon continues in Force, *viz.* That there ſhould be a decent and comely Habit for the Clergy, whereby *they ſhould be known and diſtinguiſhed by the People*; and for this, the ancient Cuſtom of the Church is alledged.

But here a very material Queſtion ariſes, how far Cuſtom is allowed to interpret and alter the Force of Canons made by a lawful Authority: For where Cuſtom prevails againſt a ſtanding Rule, it amounts to this, whether Practice againſt Law, is to have more Force than the Law.

And

And how can there be a reaſonable Cuſtom againſt a Law built upon reaſonable Grounds? But on the other ſide, if Cuſtom hath no power in this caſe, then all the ancient Canons of the Church do ſtill bind in Conſcience, and ſo we muſt not kneel at our Prayers on *Sundays*, nor between *Eaſter* and *Whitſontide*, which were thought to be made upon good Reaſon at firſt; and ſo many other Canons which have long grown into a diſuſe. So that if we do ſtrictly oblige perſons to obſerve all Eccleſiaſtical Canons made by lawful Authority, we run Men into endleſs Scruples and Perplexities; and *Gerſon* himſelf grants, *That many Canons of General Councils have loſt their Force by diſuſe, and that the obſervation of them now would be uſeleſs and impoſſible.* But on the other ſide, if meer diſuſe were ſufficient, what would become of any Canons and Conſtitutions, where Perſons are refractary and diſobedient? Gerſon de Vit. Spirit. Lect. 4. Cor. 13.

This is a Caſe which deſerves to be ſtated and cleared. And we are to diſtinguiſh three ſorts of Cuſtoms.

1. Cuſtoms generally obtaining upon altering the reaſon of ancient Canons.

2. Cuſtoms allowed upon the general Inconveniency of modern Canons.

3. Cuſtoms taken up without any Rules or Canons for them.

1. As to general Cuſtoms againſt ancient Canons where the Reaſon is altered; I ſee no Ground for any to ſet up thoſe Canons, as ſtill in Force, among us: For this muſt create Confuſion and diſorder, which thoſe Canons were deſigned to prevent; and the Laws of the Land do certainly ſuperſede ancient Canons, wherein the neceſſary Duties of Religion are not immediately concerned. For we muſt have a care of ſetting up ancient Canons againſt the Authority of our Laws, which cannot be conſiſtent with our national Obligation, nor with the Oath of Supremacy.

2. As to Cuſtoms relating to modern Canons, if it hath any Force, as to altering the Obligation.

1. It muſt be general; not taken up by particular diſaffected Perſons to our Conſtitution; for the Cuſtom of ſuch Men only ſhews their wilful Diſobedience and Contempt of Authority; and all Caſuiſts are agreed, that Contempt of lawful Authority, is a wilful Sin: Which ſuppoſes a wilful Neglect upon knowledge and Admonition of their Duty. For Contempt is, *Nolle ſubjici cui oportet ſubjici*; and a leſſer fault committed with it, is a greater Sin than a greater Fault in it ſelf committed without it, *i. e.* by meer careleſneſs and inadvertency. But where there is an open and cuſtomary Neglect, there is a Preſumption of Contempt, unleſs ſome great and evident Reaſon be produced for it. I do not ſay the bare Neglect doth imply Contempt in it ſelf, but where there is admonition and a continuance after it, there is a down-right and poſitive Contempt. But where the diſuſe is general, not out of Contempt, but upon other Reaſons; and there is no Admonition by Superiours, but a tacit Connivence; there is a Preſumption of a Conſent towards the laying aſide the ſtrict Obligation of the Canons relating to it. Cajet. Sum. in Verb.

2. It muſt be reaſonable; *i. e.* on ſuch Grounds as may abate the Force of the Obligation. For there is a difference between a Cuſtom obtaining the Force of a Law, and a Cuſtom abating the Force of a Canon: In the former caſe the Cuſtom muſt be grounded on more evident

Soto de Just. l. 1. Q. 7. Art. 2. ad 2. Sayr. Clavis Reg. l. 3. c. 11. n. 12. Caj. ad 1. 2. Q. 97. Art. 3. Suar. de Leg. l. 4. c. 16. n. 9. Roch. Curt. de Statut. Sect. 2. n. 20, 34. Sect. 7. n. 5, 11, 12, 13.

reason than is necessary for the latter. Wherein the Casuists allow a Permission of Superiours joyned with reasonable Circumstances, to be sufficient.

But how can acts of disobedience make a reasonable Custom?

Cajetan saith, they are to blame who began it, but not those who follow it, when the Custom is general.

And *Suarez* saith, it is the common Opinion.

The Canonists say, if a Custom be against a Rule, the reason must be plain; if only besides the Rule, and be not repugnant to the end and design, the reasonableness when it becomes general, is presumed. But if the Superiours take notice of it, and condemn it, it loses the force of Custom, unless a new reason or higher Authority appear for it.

3. But what is to be said for Customs taken up without Rules or Canons; of what force are they in point of Conscience?

1. It is certain, that no late Customs brought in by such as have no Authority to oblige, can bind others to follow them. For this were to lay open a Gap to the introducing foolish and superstitious Customs into the Church, which would make distinctions without cause, and make way for Differences and Animosities, which all wise and good Men will avoid as much as may be.

Soto, l. 1. Q. 7. Arr. 2.

It is a Rule among the Casuists, that voluntary Customs, although introduced with a good Mind, can never oblige others to observe them.

Suarez. de LL. l. 7. c. 15. 10, 11.

And *Suarez* yields, that a bare frequent Repetition of Acts cannot bind others, although it hath been of long continuance.

2. If the Customs be such as are derived from the primitive times, and continue in practice, there is no reason to oppose, but rather to comply with them; or if they tend to promote a delight in God's Service. As for instance:

Origen in Numer. Hom. 5.

1. *Worshipping towards the East*, was a very ancient Custom in the Christian Church. I grant that very insufficient reasons are given for it; which *Origen* would not have Men to be too busie in inquiring into, but to be content that it was a generally received Practice even in his time; and so doth *Clemens Alexandrinus* before him, who thinks it relates to Christ, as the Son of Righteousness. *Tertullian* and S. *Basil* own the Custom, and give no Reason.

Clem. Alex. Str. l. 7. Tertul. Apol. c. 16. Basil. de Sp. Sancto c. 27.

But of all Customs that of Contention and Singularity, where there is no plain reason against them, doth the least become the Church of God.

2. *The use of organical Musick in the publick Service.* If it tends to compose, and settle, and raise the Spirits of Men in the Acts of Worship, I see no reason can be brought against it. If it be said to be only a natural Delight, that reason will hold against *David*, who appointed it by God's own Commandment. They who call it *Levitical Service*, can never prove it to be any of the Typical Ceremonies, unless they can shew what was represented by it.

2 Chron. 29. 25.

I come now to the Measure of the Obligation of the Canons in Force.

And therein a great Regard is to be had to the *Intention* of that Authority which enjoyns them; and that is to be gathered from three things;

1. The matter. 2. The Words and Sense of the Church. 3. The Penalty.

1. As to the matter. If it be in it self weighty, and tends to promote that which is good and pious, and for the Honour of God, and Service of Religion, it cannot be denied but these Canons do oblige in Conscience. *Bellar-*

Bellarmin distinguishes between Laws of the Church, which, he saith, are very few and pious Admonitions and good Orders, which are not intended to oblige Men to sin, but only in case of Contempt and Scandal. And as to the Feasts and Fasts of the Church, which belong to the Laws, he saith, they have *mitissimam obligationem*; so any one would think, who considers how many are exempted, and for what Reasons. Bell. de R. D. l 14. c. 18.

Gerson saith, that no human Constitutions bind as to Moral Sin, unless it be founded on the Law of God; as he confesses the Church's Authority is, as to Circumstances; and then he thinks it obliges in Conscience. The Substance of his Opinion, which hath been much disputed and controverted by modern Casuists, lies in these things: De Vit. Spir. Lect. 4. Cor. 1. Coroll. 6.

1. That where Ecclesiastical Constitutions do inforce any part of the Law of God, although it be not expresly contained therein, they do immediately bind the Consciences of Men.

2. That where they tend to the good of the Church, and the Preservation of Decency and Order, they do so far oblige, that the contempt of Authority therein, is a Sin against the Law of God.

3. That where the Injunctions of Authority are for no other end, but to be obeyed, he doth not think that there is any strict Obligation in point of Conscience.

And so far *Cajetan* agrees with him. Cajet. Sum. 6. Contemp. &c. Clericorum.

And although the other Casuists seem to be very angry with him, yet when they require a publick Good, and the Order of the Church to be the reason of Ecclesiastical Laws, they do, in effect, agree with him.

Now as to the matter of our Canons which respect the Clergy, there are two especially which bind them strictly.

1. The Canon about Sobriety of Conversation, *Can.* 75. Yes, some may say, as far as the Law of God obliges, *i. e.* to Temperance and Sobriety; but the Canon forbids resorting to *Taverns, or Alehouses, or playing at Dice, Cards, or Tables*; doth this Canon oblige in Conscience in this manner? If it were a new thing that were forbidden, there were some Plea against the severity of it; but frequenting publick Houses is forbidden by the Apostolical Canons, which are of great Antiquity, by the Council of *Laodicea*, and in *Trullo*, and many others since. Can. Apost. 54. Laodicea, 24. In Trullo, 9. Carthag. 43. Dist. 44. 2, 3, 4. Aquisgr. c. 14. Francf. c. 19. Aquisgr. 2. c. 60. Extr. de Vit. & Honest. Cleric. c. 15. Conc. Westmon. c. 2. Spelm. II. 192. Lynw. l. 3. c. 1.

And by the Apostolical Canon any Presbyter playing at Dice, and continuing so to do after Admonition, is to be deprived. The *Illiberitan Council* makes it Excommunication to play at Dice. Not meerly for the Images of the Gentile Gods upon them, as *Albaspinæus* thinks, but because the thing it self was not of good Report, even among the *Gentiles* themselves; as appears by *Cicero*, *Ovid*, *Suetonius*, &c. as giving too great occasion for indecent Passions, and of the loss of time. *Hostiensis* reckons up sixteen Vices that accompany it, which a Clergyman especially ought to avoid. And playing at Dice was infamous by the Civil Law. Concil. Illib. Can. 79. Cicero Phil. 3. Ovid de A. A. l. 3. Suet. in Aug. c. 71. Hostiens. Sum. D. 5. de Excess. Prælat. D. de Aleat. l. 2. Cujac. Observ. l. 9. c. 28. C. de Episcop. Audient.

Justinian forbids Clergymen not only playing, but being present at it. It was forbidden in the old Articles of Visitation here, and in several Diocesan Synods, *Spelm.* II. 192, 252, 298, 367, 450. So that there can be no reason to complain of the severity of this Canon, which so generally obtained in the Christian Church.

II. The Canons which relate to Miniſters diſcharging the ſeveral Duties, of their Function, in Preaching, Praying, Adminiſtring Sacraments, Catechizing, viſiting the Sick, *&c.* which are intended to inforce an Antecedent Duty; which we can never preſs you too much or too earneſtly to; conſidering that the Honour of Religion, and the Salvation of your own and the Peoples Souls depend upon it.

(2.) The next way of judging the Churches Intention, is by the Words and Senſe of the Church. *Cajetan* thinks the general Senſe is the beſt Rule. *Navarr* ſaith to the ſame purpoſe, although ſome words are ſtricter than others. *Suarez*, that the main obligation depends on the matter, but the Churches Intention may be more expreſſed by ſpecial Words of Command. *Tolet* relies moſt upon the Senſe of the Church: But the Senſe of the Church muſt be underſtood, whether it be approving, or recommending, or ſtrictly commanding, according to the Obligation of affirmative Precepts, which makes a reaſonable allowance for Circumſtances. And ſo our Church in ſome Caſes expreſly allows reaſonable Impediments. And in Precepts of Abſtinence, we muſt diſtinguiſh the Senſe of the Church, as to Moral Abſtinence, *i. e.* ſubduing the Fleſh to the Spirit; and a Ritual Abſtinence in a meer difference of Meats which our Church lays no Weight upon; and a Religious Abſtinence for a greater Exerciſe of Prayer and Devotion, which our Church doth particularly recommend at particular Seaſons, which I need not mention.

Caj. & Præcept. Navar. Man. c. 23. n. 50, &c. Suarez. de L. L. l. 4. c. 18. Tolet. Summ. l. 8. c. 19. n. 3.

(3.) By the Penalties annexed, which you may find by reading over the Canons, which you ought to do frequently and ſeriouſly, in order to your own Satisfaction about your Duties, and the Obligation to perform them.

But ſome may think, *that ſuch Penal Canons oblige only to undergo the Puniſhment.*

To which I anſwer, that the caſe is very different in an *Hypothetical Law*, as *Suarez* calls it; when Laws are only conditional and disjunctive, either you muſt do ſo, or you muſt undergo ſuch Penalty, which is then looked on as a legal Recompence; and Eccleſiaſtical Conſtitutions, where Obedience is chiefly intended, and the Penalty is annexed only to inforce it, and to deterr others from diſobedience. For no Man can imagine that the Church aims at any Man's Suſpenſion or Deprivation for it ſelf, or by way of Compenſation for the Breach of its Conſtitutions.

And now give me leave not only to put you in mind, but to preſs earneſtly upon you the diligent Performance of thoſe Duties, which by the Laws of God and Man, and by your own voluntary Promiſes when you undertook the Cure of Souls, are incumbent upon you. It is too eaſie to obſerve, that thoſe who have the Law on their ſide, and the Advantage of a national Settlement, are more apt to be remiſs and careleſs when they have the Stream with them, than thoſe who row againſt it, and therefore muſt take more pains to carry on their Deſigns. As thoſe who force a Trade muſt uſe much more Diligence, than thoſe who go on in the common Road of Buſineſs. But what Diligence others uſe in gaining Parties, do you imploy in the ſaving their Souls: Which the People will never believe you are in earneſt unleſs they obſerve you are very careful in ſaving your own by a conſcientious Diſcharge of your Duties. They do not pretend to fineneſs of thoughts, and ſubtilty of reaſoning, but they are ſhrewd Judges whether Men mean

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what they ſay, or not; and they do not love to be impoſed upon by ſuch a ſort of Sophiſtry, as if they could think that they can have ſuch a Regard to their Souls, who ſhew ſo little to their own. Therefore let your unblameable and holy Converſations, your Charity and good Works, your Diligence and Conſtancy in your Duties, convince them that you are in earneſt; and they will hearken more to you, than if you uſed the fineſt Speeches, and the moſt eloquent Haranges in the Pulpit to them. Theſe, the People underſtand little, and value leſs; but a ſerious, convincing, and affectionate way of Preaching, is the moſt likely way to work upon them. If there be ſuch a thing as another World, as no doubt there is, what can you imploy your time, and thoughts, and Pains better about, than preparing the Souls of your People for a happy Eternity? How mean are all other laborious Trifles, and learned Impertinencies, and buſie Inquiries, and reſtleſs thoughtts in compariſon with this moſt valuable and happy imployment, if we diſcharge it well? And happy is that Man, who enjoys the Satisfaction of doing his Duty now, and much more happy will he be *whom our Lord, when he cometh, ſhall find ſo doing.*

A Discourse concerning Bonds of Reſignation of Benefices, in Point of Law and Conſcience.

The PREFACE.

THE *Intention of Writing and Publiſhing the following Diſcourſe, was to give a ſtop, if poſſible, to a dangerous and prevailing Practice; and ſo much the more dangerous, becauſe it is managed with ſo much Secrecy, and Perſons are often drawn into it, before they are aware of the Miſchief of it. They are told,* That there is no Law againſt it; and that there are adjudged Caſes and Precedents in Law for it; and that there is nothing amiſs in the Bond of Reſignation it ſelf: But if there be any corrupt or evil Practice after it, that makes it fit to be condemned in Equity, but not in Law. *But a general Bond of Reſignation of a Benefice upon Notice, in order to the obtaining a Preſentation to that Benefice, hath ſuch a* Simoniacal *Appearance, that any Perſon who pretends to Conſcience, cannot but think it neceſſary to examine, how far ſuch a Practice can be conſiſtent, not only with the Law, but with the Oath which he is to take againſt* all Simoniacal Contracts and Promiſes, directly or indirectly, *&c.* for or concerning the procuring or obtaining the Rectory or Vicarage of, *&c. How can any Man that enters into theſe Bonds, ſay that he doth it not in order to the* obtaining *a Preſentation? And doth not ſuch a Bond amount to a* Contract? *How then can they ſatisfie themſelves in taking this Oath after ſuch a Bond? All they can pretend, is,* that although it be a Contract for ſuch an End, yet it is no Simoniacal Contract. *But which way are we able to be ſatisfied in Point of Conſcience, what is a* Simoniacal Contract, *and what not? Is it only from the Statute,* 31 Eliz. c. 6.

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ſo that what is there forbidden is Simoniacal, *and nothing elſe? But where hath that Law determined what* Simony is, *when it is never mentioned in it? It ſeverely prohibits ſome corrupt Practices as to Benefices, but it never goes about to reſtrain the Notion of* Simony *to them (as will appear in the following Diſcourſe) and the* Eccleſiaſtical Laws, *as to this matter, are left as they were before. If therefore there be ſuch a true Notion of a* Simoniacal Contract, *as is allowed by our Laws, which is not confined to that Statute, then it muſt follow, that there may be a* Simoniacal Contract, *which is not condemned by that Law; and therefore all Perſons who underſtand the Nature and Extent of our Laws, will have a care of reſtraining the Nature of a* Simoniacal Contract *to the Letter of that Statute.*

It may be ſaid, That a *Simoniacal Contract* is an ill Name put on we know not what, if we go beyond the Law of the Land; and that there muſt be ſome certain Bounds ſet to ſuch hard Words, or elſe the Snare may be greater another way; and that there is no ſuch thing as real *Simony* in the caſe; but the Word is applied to ſome indirect Practices in obtaining Benefices, but what thoſe are, the Law muſt determine. *To which I anſwer, That I am very far from going beyond the* Law of the Land *for determining this matter. For I do acknowledge, that ſince the Notion of* Simony *is extended beyond the firſt Occaſion of the Name, there muſt be a certain Rule to determine it; and that I do freely grant is* the Law of the Land. *But by it I do not mean a particular Statute made with reſpect to ſome more notorious Acts, which are puniſhable in the Courts of Common Law; but I underſtand by* the Law of England *that comprehenſive Body of Laws, which have been here received as the Meaſure of our Judgment and Actions in thoſe things which are to be determined by them.*

If a Queſtion be made, Whether a Contract made at Sea, be a good Contract? It will be no good Anſwer to ſay, It muſt be a good Contract, becauſe there is nothing in it contrary to the Rules of the Common Law. For if our Common Law ſhould happen to allow ſuch Contracts, which the Civil Law doth not, will it be Ground enough to affirm, That it is a good Contract, becauſe our Common Law doth not condemn it? No certainly: But it muſt be determined by that Law which is proper for it, and being here receiv'd for ſuch, is in ſuch Caſes the Law of the Land.

So I ſay here; the Eccleſiaſtical Law, ſo far as it is receiv'd and allow'd by the Common Law, is the Rule and Meaſure whereby the Nature of Simony *is to be determin'd; and that is allowed by our moſt learned and judicious Interpreters of our Common Law, to be of* Eccleſiaſtical Cogniſance; *only ſuch Acts as come under Statutes belong to the Courts of Common Law. And there was a general Preſumption in Law before, That no Patron was to make any Advantage to himſelf of a Right of Preſentation. And there-*
Inſt. 156. *fore my Lord* Coke *ſaith,* That a Guardian in Socage of a Manor whereunto an Advowſon is appendant, ſhall not preſent to the Church, becauſe he can take nothing for the Preſentation for the which he may account to the Heir; *from whence he infers, That* Simony is odious in the Eye of the Common Law. *And it is very well if it ſo continues; which I can hardly imagine, if theſe* Bonds of Reſignation *prevail. But if by the* Eccleſiaſtical Law, *as received here, ſuch Bonds are* Simoniacal, *being a Contract in order to the obtaining a Preſentation, then it can give little Satisfaction to any Man's Conſcience to be told,* That they are not againſt Law, *i. e. againſt the* Statute, 31 *Eliz.* c. 6.

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My Buſineſs is not here to give a full Account of the matters contained in the following Diſcourſe, but only to remove ſome general Prejudices againſt the Deſign of it. Which is truly no other than to bring this ſecret Practice into open View, and to have it fairly examin'd and diſcuſs'd. For while it is managed in this manner, there is not only Miſchief done to the Church, but to the Conſciences of Men; who are very apt to ſuſpect a Snare in all ſuch Bonds, and are very uneaſy at the Thoughts of them afterwards. If there be any better Reaſons to be given for them than I have yet ſeen, I ſhould be glad to be convinced of the Lawfulneſs of ſuch indirect Practices and private Contracts: But at preſent I think (if they be not timely prevented) they will end in unſpeakable Miſchief to the Parochial Clergy, *who are the main Eccleſiaſtical Body of the Church of* England, *and in whoſe Welfare we ought to be all concerned.*

And truly I cannot but be very tender in what relates to their Rights; *for their Work and Duty is great and laborious, if it be performed as it ought to be; and they ought not to have any new Burdens impoſed upon them, under a Pretence of Law, which neither they nor their Succeſſors will be able to bear.*

I am very ſenſible how much in this Age depends upon the Faithfulneſs, and Diligence, and good Reputation of the Parochial Clergy *of* England. *For I am not much afraid of any Deſigns of our open Enemies (or which may be worſe, of our pretended Friends) if we be true to our ſelves,* i. e. *if we ſeriouſly and conſcientiouſly do our Duties with reſpect to God, the People, and our own Souls. If we do not give way to unreaſonable Suſpicions, and cauſeleſs Jealouſies of one another; if we mind the Intereſt of Religion more than our own, and ſerve God, and not our own Luſts; if we ſincerely promote the beſt Ends in the World, the ſaving Souls, and doing good to Mankind, God will not be wanting to us; but he that hath ſav'd us from the* Lion and the Bear, *will likewiſe ſave us from the* Fox and the Viper; *I mean ſuch who under fair and plauſible Pretences eat through the Bowels of their Mother, and by ſecret and indirect Practices go about to ruin the Church they* profeſs themſelves *to be of, altho'* by their Works they deny it.

If I had not ſome more than ordinary Reaſon to believe ſuch things to be not only practiſed, but encourag'd by ſuch who pretend not only to underſtand our Law, but to direct the Nation in it, I ſhould hardly have undertaken a Task of this Nature. But having ſo juſt an occaſion to ſearch into this matter, as well as I could, and finding ſo much Cauſe of Diſſatisfaction as to theſe Bonds, I thought it my Duty to do what lay in me to prevent that Miſchief which is haſtning upon our Church by them. If I am miſtaken in any part of the following Diſcourſe, I ſhall be glad to be better informed; and if I am not, I hope that our Church may receive no diſadvantage by it. And as I honour the Profeſſion of the Law, and the many worthy Perſons who are and have been of it; ſo I cannot but be concerned to find ſome Pretences of Law made uſe of to ſuch ill Purpoſes and Deſigns; that if the number of Patrons that are againſt our eſtabliſhed Religion ſhould happen to exceed thoſe that are for it, by the help of theſe Bonds of Reſignation, *the Title to moſt of our* Parochial Cures *would in a little time fall into the hands of* Popiſh Prieſts; *which would much facilitate the introducing their Religion, when ſo many* Proteſtant Incumbents *would ſo eaſily be turned out, by no other means, but by theſe* Bonds of Reſignation. *And therefore it is not merely the* Intereſt *of our* Parochial Clergy, *but of our* Religion *which lies at ſtake; and this, I ſuppoſe, will be ſufficient to juſtify this Undertaking.*

Weſtminſter, July 10. 1695. E. W.

A Diſcourſe concerning *Bonds of Reſignation*, &c.

THE Deſign of this Diſcourſe, is to enquire into a Caſe, too commonly practiſed among us, and too little examin'd; which is concerning *Bonds of Reſignation* given by Clergymen to Patrons in order to the obtaining a Preſentation to a Benefice with Cure of Souls. This is a Caſe which reſpects both *Law* and *Conſcience:* And it is not ſo eaſie a matter, as ſome ſeem to take it for granted, to reſolve it as to either of them. For if ſuch a Practice be within the Reaſon and Intention of the Law, which forbids all *corrupt Preſentations and Reſignations*, 31 *Eliz. c.* 6. then it cannot be juſtified by Law; and if it be againſt the Scope and Deſign of the Oath againſt *Simoniacal Contracts*, then it can much leſs be juſtified in Point of Conſcience. And whether it be or not, is the Subject of this preſent Diſcourſe; which I am ſorry there is ſo much occaſion for: But ſince there are too many that practiſe it; and others too ready to defend it; and ſince it is of ſo miſchievous Conſequence to the Intereſt of the Church of *England*, if it prevails, I think it highly neceſſary to enquire more ſtrictly into this matter, than hath been hitherto done. Which I ſhall do in ſuch a manner, as to make it appear that no Conſiderations whatſoever have ſwayed me, but thoſe of *Law* and *Conſcience*; and I hope thoſe who have been drawn into ſuch Snares, will ſee cauſe to repent, (if they do it not already) and others take care how they run themſelves into ſuch Perplexities, which no Precedents in Point of Law, and no Authority in Point of Conſcience can give them Satisfaction in.

But I intend no Reflections on particular Perſons; and I cannot believe that any who have impartially weighed theſe things, can maintain the lawfulneſs of them ſo, as to wiſh them *generally practiſed*. For however there may be ſome Caſes wherein ſuch Bonds may be thought far more reaſonable than in others; yet it cannot be denied that there are far more Caſes, wherein ſuch a Practice muſt be deſtructive to the legal Rights of the Churth. Suppoſe ſome Patrons to be Perſons of great Piety and Integrity, who do require theſe Bonds only to bind the Clergy the more ſtrictly to do their Duty: Suppoſe others have no Regard to their own Intereſt, but only take care of Minors, bred up with a Proſpect of ſuch Benefices which they are not yet capable of: (which are the moſt reaſonable Conſiderations inſiſted upon in the adjudged Caſes:) but what are theſe to the multitude of moſt unjuſt and unreaſonable Conſiderations, which may be made the Conditions of theſe Bonds? For the Bonds are ſuppoſed to be general, and ſo the Patrons left at liberty to impoſe their own Conditions. And, are there no ſuch kind of Patrons among us, who may be too juſtly ſuſpected to mind their own Intereſts above the Churches Good? And therefore will take all ways to leſſen the Profits of Benefices in their Diſpoſal, as far as they are told that the Law permits them? Such I mean, who have no Reſtraint but what the Law lays upon them, having no Senſe of Honour or Conſcience in theſe matters. And if it once paſs for an allowed Doctrine in Law, that *Bonds of Reſignation* are lawful, what ſhall ſtop ſuch Men from putting very unreaſonable Conditions upon their Incumbents, or elſe they may preſently call them to an Account for the Forfeiture of the Bonds? If then there be no effectual courſe ſo much

much as offer'd against very hard and unreasonable Terms; how can such Bonds be thought Just and Reasonable?

It may be said, *That if the Conditions be such as are allowed by Law, then the Bonds are lawful, otherwise not.* But this by no means clears the Difficulty. For the main Question is, whether such Bonds be lawful, where the Conditions are not expressed, but meer notice of three or six Months? And these are the general Bonds of Resignation: And such, I think, I may with Reason affirm to be against both Law and Conscience. But suppose there may be Conditions of both kinds required, but it is not expressed in the Bonds what they are: What a miserable Slavery must the Clergy be under, who give general Bonds, and know not what Conditions will be required? And then they must go to Law, and be at greater Charge and Trouble than they can well bear, to know whether the Conditions required of them be such as the Law allows or not? So that the general allowance of Bonds of Resignation upon Notice, although the Law be left to determine the particular Conditions, is that which we have Reason to look upon as very hard and unjust, and inconsistent with the Nature and Design of that Relation which the Law supposes between Patrons and Incumbents, as will appear more afterwards.

There are two things chiefly insisted on by those who plead for these Bonds of Resignation.

I. That there is no Law against them.

II. That there have been Cases adjudged for them: And both these I shall carefully examine.

I. That there is no Law against them. There are two Laws to be consider'd in this matter.

1. The Law against Simoniacal Contracts, 31 *Eliz.*

2. The Law which requires every Incumbent to make an Oath against Simony.

1. As to the Law against Simoniacal Contracts: The Statute is expresly against *presenting to a Benefice for a Summ of Money, Reward, Gift, Profit, or Benefit, directly or indirectly, or entring into Bond or Covenant for that Purpose*, 31 Eliz. c. 6. n. 5. Wherein these things are observable:

(1.) That it is not a meer *Summ of Money* which is here forbidden, *but any Benefit whatsoever directly or indirectly.*

(2.) That not meer *doing* the thing but *entring into Bond or Covenant to do it* is within the Reach of this Law.

(3.) That the Penalty is against such *who do present for, or by Reason of any Promise or Agreement for any Benefit whatsoever: Or those who do accept such Presentations on those terms:* i. e. so as it becomes the Motive of such Presentation or Acceptance.

(4.) That the same Law declares, *n.* 8. against *corrupt Resigning or Exchanging the Benefice he enjoys, for any Summ of Money or Benefit whatsoever.*

(5.) That the Ecclesiastical Censures still remain in Force against these Offences: Which supposes that this Law doth not supersede the Ecclesiastical Laws here in being, *n.* 9.

So that here are two material Questions to be resolved upon this Statute.

[1.] Whether since the making this Statute, there be any Simoniacal Contract, but what is against the Purport of it?

[2.] Whether a Bond of Reſignation, upon which a Benefice is given and accepted, be within the Deſign of it?

[1.] As to the former; it is obſervable, that the words *Simony* or *Simoniacal Contract*, are never mentioned in this Statute. For, if they had, the Judges would have had ſufficient Reaſon to have declared what was *Simony*, and what not. We are told indeed by the Reverend and Learned Judges in the Caſe of *Mackaller* and *Todderick*, That the *Conſideration to have Money to procure one to be Rector of a Church, is a Simoniacal Contract, and an unllawful Act condemned by all Laws: And that the Common Law before the Statute*, 31 Eliz. *took notice of it.* But they do not declare how far the Common Law could take notice of it, before that Statute, any farther than that it was not a thing allowed by it. For certainly it was then of Spiritual Cogniſance; and the Perſons guilty of it were to be proceeded againſt by the Eccleſiaſtical Laws. And conſequently, the Notion of *Simony* is to be taken from thence, and not meerly from this Statute: So that if accepting a Benefice upon giving a Bond of Reſignation were *Simoniacal* before, it doth not ceaſe to be ſo by this Statute. Indeed *corrupt Reſignation* of a Benefice hath not the ſame Penalty by this Statute with *corrupt Acceptance* of it at firſt: For that is a Diſability, and the other double the Value. But hereby we ſee that the one is againſt the Law, as much as the other. So far then it is clear by this Statute, that any *corrupt Reſignation* is againſt Law: And if the enquiry be after the Penalty, the Statute muſt determine that. But if the Queſtion be, whether Reſignation upon a Bond given before hand in order to a Preſentation, be a *Simoniacal* Act or not, as done in Purſuance of a *Simoniacal Contract?* In that the Statute gives no Rule, but only declares the Penalties of ſome particular Acts, which are there expreſſed.

Cr. Car. 361.

Thoſe who would have nothing now to be *Simony*, but what is there forbidden, muſt firſt prove that the Intention of the Law was to limit and determine the Nature of Simony; which (as is already obſerved) is not ſo much as mentioned in it. The Reaſon of the Law as to Penalties is one thing, and the Nature of a *Simoniacal Contract* another. If a Queſtion be put, whether a *Simoniacal Contract* be void in Law or not? My Lord *Coke* ſaith, *that the Statute doth not make the Bond, Covenant, Promiſe, or other Aſſurance, void, but the Preſentment*, &c. *and ſo it was adjudged*, 40 Eliz. This is ſomewhat ſtrange Doctrine, that a *Preſentment* ſhould be *void* by reaſon of a *Simoniacal Bond*, and yet that Bond not be void *in Law*. For that which makes another thing void, one would think ſhould be void in it ſelf; eſpecially ſince he ſaith in the ſame Chapter, *that Simony is odious in the Eye of the Common Law.* But not ſo very *odious*, if a *Simoniacal Contract* be a good Contract according to the Common Law. But he diſtinguiſheth between *Malum in ſe againſt the Common Law*, and *Malum prohibitum by Statute Law.* How doth this clear the Point? The Preſentation is void, being prohibited by the Statute: But is not a Simoniacal Contract *Malum in ſe*, againſt the Common Law? How then comes this not to be void? Eſpecially ſince it is *contractus ex turpi cauſâ:* And for that reaſon my Lord *Hobart* held it void in Law; and ſo the Court held in *Mackaller's* Caſe. But ſuppoſe my Lord *Coke* in the right, as to a Simoniacal Contract, that it is not void at Common Law: it follows from thence, that the conſideration of Law and Conſcience is different in this matter. For I ſuppoſe none will deny that a Simoniacal Contract is unlawful in point of Con-

3 Inſt. 153. Marg.

F. 156.

Hob. f. 167.

Cr. Car. 361.

Conſcience; and yet he aſſerts it not to be void in Law. Why then may not Bonds of Reſignation, although not within the compaſs of this Statute, yet be unlawful in point of Conſcience, as well as a Simoniacal Contract be unlawful in point of Conſcience, and yet be good by the Common Law? Either therefore Simony, as odious as it is in the Eye of the Law, muſt not be *Malum in ſe againſt Common Law*, as my Lord *Coke* ſpeaks; or if it be, there muſt be another Rule of Conſcience in this matter from this Statute. I would fain know what was *Simony* at *Common Law* before this Statute; and whether that which was ſo before doth not continue ſo ſtill, if it be not taken away by it? For if there be no *Simony* now, but what is expreſſed in that Statute, then it muſt declare what is *Simony*, and what not. *Simony*, ſaith my Lord *Coke*, is *deſcribed by this Act*, 31 Eliz. and he ſaith in his Margin, *Injuſtum eſt illa vendere, quæ gratis diſtribui debent*; which is a very good Illuſtration of it. But the Queſtion is, What is meant by *Selling?* Whether it be merely for a Sum of Money paid down, or ſecured by Bond or Covenant? Or whether it doth not take in any kind of Benefit or Emolument accruing to the Perſon who beſtows it, which hinders it from being a free Gift? The Caſuiſts ſay, *Nomine emptionis & venditionis intelligitur omnis contractus non gratuitus.* But can that be called a free Gift, where there is a Bond of Reſignation of ſuch a thing, whereof the Poſſeſſion and Reverſion bear a Price, and have a real Value? We need not run to *Simon Magus* to underſtand what *turpe Commercium* is. There were many Laws among the old *Romans*, againſt purchaſing any publick Offices; and they thought it a great Reproach to them for any Price to be ſet upon them; as the great *Roman* Maſter ſaid, *Pretium quod habet, hoc ipſo vileſcit.* By the Laws *Acilia* and *Calpurnia*, all that were convict of giving Money for Offices, were under a Diſability or Incapacity of any for the future; and the *Mercatores Poteſtatum* were infamous by their Laws. *Ariſtotle* thought it a matter of very ill Conſequence to any Government to have any thing of Money given for Offices, becauſe it taught Men to ſet a greater Value on Money than Vertue. Theſe Conſiderations, ſetting aſide the Story of *Simon Magus*, were great enough to induce the Chriſtian Church to be extremely nice and tender in this matter of Benefices; and not only to forbid the direct Sale of them for Money, but any indirect Trafficking, which might take off the entire Freedom of the Preſentation of Perſons to them. I know to how little purpoſe it would be, to reckon up all the Canons which have been made in the Chriſtian Church from the Apoſtles Times downwards againſt *Simony*, becauſe ſome will ſay, *That the Eccleſiaſticks were always true to their own Intereſt.* But let us ſet aſide all Prejudice in this matter, and conſider it impartially. If any Offices in the World ought to be free from the Suſpicion of *ſordid Trafficking*, certainly thoſe of the Church ought, from the Nature and Deſign of their Imployments. The Queſtion then will come to this, Whether giving a Bond of Reſignation, in order to the procuring a Benefice, be ſuch a Trafficking or not? And we have three Rules to judge by.

Sylveſt. v. Simon.

Sigon. de Judic. *l.* 2. *c.* 30.

Quintil. *l.* 1. *c.* 1. Ciceron pro Planco Dion. *l.* 36. Lamprid. in Alex. Sever. Ariſt. Pol. *l.* 2. *c.* 12.

1. The Nature and Reaſon of the thing: Whether ſuch Actings be not inconſiſtent with that Freedom which ought to be uſed, both in Giving and Taking Eccleſiaſtical Benefices? So that if there were no Laws either Eccleſiaſtical or Civil in the caſe, whether there be not ſomething in theſe Tranſactions unbecoming the Deſign and Dignity of the Employment?

2. The Eccleſiaſtical Law of *England*, which hath been from time to time received here, and allow'd by a general Conſent, and ſtill continues in force, where it is not repugnant to any Laws of the Realm; which cannot be pretended in this caſe.

3. The Statute-Law, which doth not abrogate the Eccleſiaſtical Law as to *Simony*; it only enacts ſome particular Penalties on ſome more remarkable Simoniacal Acts as to Benefices and Orders, but never once goes about to repeal any Eccleſiaſtical Laws about Simony, or to determine the Nature and Bounds of it.

[2.] But let us come more cloſely to the Statute it ſelf, to ſee whether theſe Bonds of Reſignation be not againſt the Deſign of it. The Words are, *If any Perſon for any Sum of Money, Reward, Gift, Profit or Benefit, directly or indirectly, or for or by reaſon of any Promiſe, Agreement, Grant, Bond, Covenant, or other Aſſurance of or for any Sum of Money, Gift, or Profit whatſoever, directly or indirectly, ſhall preſent*, &c. Now we ſuppoſe a Patron to preſent one to a Benefice without any Money, or Bond for Money; but he declares before his preſenting him, That he muſt enter into a Bond to Reſign his Benefice upon Six Months Notice, under a ſevere Penalty; to which he ſubmits on the Condition of obtaining his Benefice. After this, the Patron demands ſuch a Portion of Tythes; or a Conſent for him to incloſe, to the apparent Benefit of the Patron, and Diminution of the Profits of the Living. The Queſtion is, Whether ſuch a Bond be within the Deſign of this Statute? All that can be ſaid is, That no ſuch Conſideration is expreſſed in the Bond, which is in general Terms; which implies, That if the Conſideration had been expreſſed in the Bond, it had been plainly againſt the Law. But ſuppoſe it be left out of the Bond, is not the penal Sum of the Forfeiture of the Bond ſufficient to make the poor Incumbent comply with the Terms propoſed afterwards? If none but juſt and reaſonable things had been intended, why were they not clearly expreſſed in the Bond it ſelf, ſo as to prevent any Fear or Jealouſy of worſe Deſigns? Have no ſuch things ever been practiſed, or heard of among us? If there had not, doth it not look like a Contrivance to deceive the Law, and to hamper the Conſciences of thoſe who take Benefices? And whatever is done *in fraudem Legis*, is againſt Law; for it fruſtrates the main Intention and Deſign of a Law without breaking the Letter of it; which is the worſt way of defeating a Law.

But we are told, *That our Courts of Law are to judge according to the Law, and not according to an equitable Conſtruction of the Intention and Deſign of it.* If it be really ſo, it doth only ſhew that ſuch Courts are under a ſtrange Limitation, which are tied up to the Letter of a Law, againſt the main Scope and principal End of it. But by the Judges Oath, 18 *E.* 3. *n.* 2. 20 *E.* 2. *n.* 1. they are bound *to do equal Law and Execution of Right to all the King's Subjects*, &c. What is here meant by *equal Law?* Is it to purſue the Letter of the Law againſt the Reaſon and Deſign of it?

There are two ſorts of *Equity* to be conſider'd among us.

1. An *Equity* founded upon a reaſonable Conſtruction of Law, according to the Intention of it.

2. An *Equity* for which the Common Law hath made no Proviſion; as in Caſes of *Fraud*, *Accident* and *Truſt*; which is the true Foundation of the *Court* of *Equity* in *Chancery*, viz. to ſupply the Defects of our Law in thoſe Caſes.

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The Queſtion now is, Whether the Judges at Common Law are ſo tied up to the bare Letter of it, that they cannot take in ſuch Caſes, which are according to the Reaſon of a Law, but not within the Words of it? And my Lord *Coke* allows this ſort of *Equity*. For, ſaith he, *Equity is a Conſtruction made by the Judges, that Caſes out of the Letter of a Statute, yet being within the ſame Miſchief or Cauſe of making the ſame, ſhall be within the ſame Remedy that That Statute provideth.* 1 Inſt. 24. b. Theſe are remarkable Words of this great Oracle of the Law, and ought to be well weighed and conſidered in all ſuch Caſes as this. And he afterwards ſaith, That *Equity is the Reaſon of the Law, which weighs Caſes according to their due Meaſures*; and ſo gives *in paribus rationibus paria Jura & Judicia.* If then theſe Bonds of Reſignation are within the Reaſon of this Law, and tend to the ſame Miſchief, they ought to have the ſame Remedy; and it cannot be made any juſt Plea for them, that they are not within the Letter of the Law.

II. I now come to conſider the *Oath* againſt *Simony*, which every Incumbent is bound to take, which runs in theſe Words; "I, *A. B.* do "ſwear that I have made no Simoniacal Payment, Contract or Promiſe, "directly or indirectly, by my ſelf or by any other, to my Knowledge "or with my Conſent, to any Perſon or Perſons whatſoever, for or "concerning the procuring or obtaining of the Rectory or Vicarage; "nor will at any time hereafter perform or ſatisfy any ſuch kind of "Payment, Contract or Promiſe made by any other without my Know-"ledge or Conſent.

Simony, ſaith my Lord *Coke*, *is the more odious, becauſe it is ever accompanied with Perjury; for the Preſentee is ſworn to commit no Simony.* 3 Inſt. 156.

Here are too things fit to be conſidered.

1. That the Oath is not meerly againſt direct *Simony*, but againſt any *Simoniacal Contract* for obtaining a Benefice.

2. That this Oath is not limited to the Statute, 31 *Eliz.* nor made in purſuance of it, but was in being long before; and therefore muſt have its Interpretation from the *Eccleſiaſtical Law*, as it was here received, and not from the Words of the Statute, which do not mention a *Simoniacal Contract*. We muſt then enquire what was a *Simoniacal Contract* by our *Eccleſiaſtical Law*. Noy, 25.

In our Provincial Conſtitutions, which were received as part of our Law relating to Eccleſiaſtical Matters, there is one about an Oath to be taken by every one preſented before the Biſhop, *That for the obtaining the Preſentation, he had neither promiſed nor given any thing to him that preſented him; nec aliquam propter hoc inierit pactionem, nor enter'd into any Bond or Covenant for that end*; not a Covenant to pay a Sum of Money, but to obtain the Preſentation. *Propter hoc*, ſaith *Lynwood*, *ſc. ut præſentetur*; and he declares it before, that whatever is done with an Intention to induce the Patron to preſent, is *Simoniacal*; and whatever Compact any enter into for that purpoſe, is a *Simoniacal Contract*. Nay he goes ſo far as to ſay, the doing any thing with that Deſign to obtain a Benefice, makes it a *Mental Simony*; (which reaches not to the Oath, and requires no more but Repentance) but if there be a Bargain between the Patron and the Party to be preſented, he declares it to be a *Simoniacal Contract*. He puts the Queſtion, If a Perſon offers to ſerve a Patron for a Year or two, with that Intention to obtain the Preſentation to ſuch a Benefice by it, Whether ſuch a one can with a ſafe Conſcience take the Oath? He anſwers, Negatively. If this were his principal Deſign, and there were a Bond or Covenant between them C. de. Jurejur. Preſent. Stat. Lynw. f. 56

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to that purpose; for this were *Simony*. From whence it follows, that any Bond or Covenant enter'd into for that End, to obtain a Presentation, was *Simoniacal* according to the Sense of our Law Ecclesiastical.

In the time of Archbishop *Courtney*, the Form of the Oath was more full and express, as it is extant in the Archbishop's Register called *Morton*, and in *Spelman's Councils:* For there is this Clause added, *That neither themselves, nor any Friends of theirs are under any Bonds about the Resignation or Exchange of their Benefices.* Here the Oath is expressed against any *Bonds of Resignation.* But why is this Clause left out since? Because it was supposed to be sufficiently implied in the other Words; since this was at least an indirect *Simoniacal Contract.*

It may be said, "That Men are not now tied up to the Canonists "Opinions about *Mental* and *Conventional Simony:* For our Law owns "nothing but *Real Simony, i. e.* either actual Payment, or a Bond to "pay such a Summ of Money to obtain a Presentation: And if there "be no Contract for that end, it is no *Simoniacal Contract* according to "our Law.

This is all that can be said in this Case; but I think it can give no considering Man Satisfaction. For the Intention of the Law, in being so strict and severe against all *Simoniacal Contracts*, was twofold:

1. To preserve the Dignity of the sacred Function; which could never be upheld, if mean and sordid Trafficking were allowed as to Benefices. For the People can never have any due Respect or Veneration for a Person, whom they suspect to have come into his Place among them by indirect Practices; although it be not the Payment of so much Money. For they have so much Sense as to know, that what is valuable by Money, is as good as Money, according to its Proportion: And if a Man gives a Bond to Resign his Living upon Notice; they know how much this abates of the Value of it to him, when he holds it on such a precarious Title; and that he gives so much to obtain the Living as it is of less Value to him, than if he had it without any such Bond. He that is forced by a Bond to resign his Benefice, must part with what is really valuable to him, as much as the Possession of it for so many years, as he might otherwise enjoy it, would come to: And he that gives a Bond to that purpose to obtain a Presentation, doth oblige himself to give to the Patron so much as that Interest can be valued at. Is not a free unconditional Interest in a Benefice really more valuable, than that which depends on the Pleasure of another? If it be, then he that gives a Bond of Resignation, doth give something really valuable in Money, to obtain the Presentation. And how can this be excused from *Simony?* Yes, some may say; *Simony* is only a frightful word used by *Ecclesiasticks* to deterr People from making the best of their own: whereas the true Notion of *Simony* is only *buying the Gifts of the Holy Ghost:* But what Relation is there between the *Gifts of the Holy Ghost* and a *Benefice?*

I do not think there are any so weak, as to imagine *the Gifts of the Holy Ghost* can be purchased with Money given to Patrons; and if they could, the dealers in such Bargains would not think them worth their Money; which they could lay out upon things of greater value to them. But here lies the true State of the Case. It hath been the Wisdom and Charity of Princes and other Persons of Estates, to make Endowments of Parochial Churches for the Support and Incouragment of those in Holy Orders to attend upon the Service of God in them: And

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the Law of the Land hath ſo annexed the Spiritual Duty with the Temporal Advantage, that no one can be capable of the latter, that is not obliged to the other. So that the Right of diſcharging a Spiritual Truſt, and the Right of enjoying the Profits go together. But to prevent the unſpeakable Miſchief of purchaſing the Profits which are devoted to ſuch a Spiritual Uſe, this hath been called by the deteſtable Name of *Simony*; and very ſevere Laws have been made, not only againſt the giving of Money, but the uſing of any indirect Means to obtain a Preſentation. Becauſe ſuch things do leſſen the Eſteem of thoſe who uſe them; and not only thereby make them more uncapable of doing Service, but expoſe the Sacred Function it ſelf to Contempt.

2. Another great end of theſe Laws, is to keep the Clergy from Oppreſſion and Slavery. I am far from going about to leſſen the Juſt and legal Rights of Patrons, who by our Laws enjoy ſome Privileges, which are not allowed them in other Countries, where the Eccleſiaſtical Law is ſtricter than here in *England:* As in the Liberty of ſelling the Rights of Advowſons; their Trial at Common Law; the ſix Months for Patrons, *&c.* But for our right underſtanding the preſent matter, it muſt be conſider'd, as to the Rights of Patrons, that it was not an Original and Abſolute Right to diſpoſe of Benefices as they pleaſed; but a limited Truſt repoſed in them, to put in fit Perſons to diſcharge the Duties of their Places. It is very well known to all Perſons who have looked into theſe Matters, that in the firſt Settlement of this *Church of England*, the Biſhops of the ſeveral Dioceſſes had them under their own immediate Care; and that they had the Clergy living in a Community with them, whom they ſent abroad to ſeveral Parts of their *Dioceſſes*, as they ſaw occaſion to imploy them; but that by Degrees, they ſaw a neceſſity of fixing Presbyters within ſuch a Compaſs, to attend upon the Service of God among the People that were the Inhabitants: That theſe Precincts, which are ſince called *Pariſhes*, were at firſt much larger, and caſt into ſuch Diviſions in each Dioceſs, as probably make up the ſeveral *Deanaries* ſince: That when Lords of Manours were inclined to build Churches for their own Conveniencies, they found it neceſſary to make ſome Endowments, to oblige thoſe who officiated in their Churches to a diligent Attendance: That upon this, the ſeveral Biſhops were very well content to let thoſe Patrons have the Nomination of Perſons to thoſe Churches, provided they were ſatisfied of the fitneſs of thoſe Perſons, and that it were not deferred beyond ſuch a limited time. So that the Right of Patronage is really but a limited Truſt; and the Biſhops are ſtill in Law the Judges of the fitneſs of the Perſons to be imployed in the ſeveral parts of their Dioceſſes. But the Patrons never had the abſolute diſpoſal of their Benefices upon their own Terms; but if they did not preſent fit Perſons within the limited time, the Care of the places did return to the Biſhop, who was then bound to provide for them. Some pretend, *that before the* Lateran *Council, there was no time of Lapſe to the Biſhop, if the Patron did not preſent; but that the Biſhop was to provide one to ſerve the Cure in the mean time, and the Patron might preſent when he would.* But this is certainly a miſtake, however it be aſſerted by perſons of great Authority. My Lord *Coke* cites *Bracton* and *Fleta* for it: But I can find nothing like it in either of them. *Bracton* indeed ſpeaks of the time of lapſe by the *Council of Lateran*, which was to be *after ſix Months*, if a Diſpute hapned about the Title; and this Conſtitution is extant in the

2 Inſt. 361.

Bract. l. 4. 341.

Decre-

Ext. de Jure Patron. c. 22. Fleta l. 5. c. 14. Selden of Tithes, c. 12. 389. Abridgment, c. 354. Ext. de Officio Jud. Ordin. c. 4. Eugen. 2. in Synod. Rom. c. 24. Leo 4. in Synod. Rom. c. 25. Ed. Holſt. Regiſtr. f. 42. Cuſt. Norm. Art. 69.

Decretals: And the ſame Words are uſed by *Fleta*: but not a Word in either of them of any *unlimited Power which Patrons had before*, as far as I can find. Which made me wonder at ſuch a *Maxim*, as I find by ſeveral father'd on *Bracton*, *Ante Concilium Lateranenſe nullum currebat tempus contra Præſentantes*. But *Rolls* very fairly reports it juſt as it is in *Bracton*; yet afterwards he recites Mr. *Selden*'s Words. Before this *Lateran Council Alex.* had ſent a Conſtitution hither, which allow'd the Biſhops, in caſe any difference hapned about the Patronage, to ſequeſter the Profits, without fixing the Time: Which is all the Foundation I can meet with for this famous *Maxim*. But before this we may obſerve ſeveral Canons of Councils, which limited the Patrons to *three Months*. Theſe Canons were never receiv'd in *England*; which, if I miſtake not, had always the Privilege of *ſix Months* for *Patrons*. This I ground upon the *Regiſter*, a Book of great Authority, and conſiderable Antiquity, where it is ſaid expreſly, *That the Biſhops have not the Right of Lapſe till ſix Months are paſſed*; which is ſaid to be *ſecundum legem & conſuetudinem Regni Angliæ, according to the ancient Cuſtom and Law of* England. And the like was obſerved in the old Cuſtoms of *Normandy*.

But by the ancient Law of *England*, notwithſtanding the *Right* of *Patronage*, the Biſhop of the *Dioceſs* had theſe Rights reſerved to him:

1. The Right of *Admiſſion* of the Perſon preſented.

2. The Right of *Lapſe*, or beſtowing the Benefice, if the Patron fail'd his ſix Months.

3. The Right of making an *Avoidance*, by *Deprivation or Reſignation*.

1. The Biſhop hath by Law the *Right of Admiſſion* of the Perſon preſented by the *Patron*. For here from the time of Chriſtianity being received among the *Saxons*, at leaſt as far as we can trace any Footſteps of the Settlement of a *Parochial Clergy*, it was expreſly provided for *That no Presbyter ſhould be fixed in any Place, without the Conſent of the Biſhop*. For this we have a Canon of *Theodore* Archbiſhop of *Canterbury*, preſerved by *Egbert* Archbiſhop of *York* (each the Seventh in their Sees, but at ſome diſtance of time) in his Collection of *Canons*: Spelm. Concil. the words are, *Statutum eſt ut ſine Authoritate & Conſenſu Epiſcoporum, Presbyteri in quibuſlibet Eccleſiis non conſtituantur, nec inde expellantur & ſi quis hoc facere tentaverit, Synodali Sententiâ feriatur*. So that by the Original Conſtitution of this Church the Biſhops had the Power of fixing Presbyters in Churches, and of removing them if there were occaſion, and no other perſons could do it without them. This doth by no means infringe the Right of Nomination or Preſentation of fit Perſons to the Biſhop: but it implies that no ſuch Preſentation was ſufficient, unleſs the Biſhop did firſt approve and conſent to the Perſon. Wherein the ancient Right of Patronage here in *England* did conſiſt, we cannot have a better account, than from the Words of all the Nobility of *England* in their Remonſtrance to *Gregory* IX. when he attempted to incroach upon them by Papal Proviſions: Matth. Paris. A. D. 1239. p. 513. *Cum igitur à primâ Chriſtianitatis Fundatione in Angliâ, tali fuerint hactenus progenitores noſtri gaviſi libertate, quod decedentibus Eccleſiarum Rectoribus, Eccleſiarum Patroni Perſonas idoneas eligentes ad eaſdem, Dioceſanis præſentaverunt ab eiſdem Eccleſiarum Regimini præficiendas*. Theſe are Words of great Weight, and do plainly ſhew, that the Right of Patronage conſiſted in the Nomination of fit Perſons to the Biſhop of the Dioceſs for any vacant places: But that the Biſhops were, if they approved them, to put them

them into the possession of them. In the time of *Innocent* III. the King wrote to the Pope, *That the Nobility and Bishops of* England *did insist upon it, as their Right by the ancient Custom, to build Churches on their own Lands: And the Pope yielded it to the Laity, provided that they had the Consent of the Bishop of the Diocese, and that the Rights of former Churches were not prejudiced thereby.* But saith Mr. *Selden, they challenged it without Licence.* What to do? *To build Churches on their own Lands*; but not a Word of putting in any Incumbents by their own Power, without the Bishop's Consent and Approbation. Nay it appears that they could not build Churches on their own Lands without the Bishop's allowance. Mr. *Selden* would fain have it believed, *That the Right of Presentation to the Bishop of the Diocese came in by the Canon Law about A.D.* 1200. But the Insinuations of that kind, as they are frequent in his *Book of Tythes*, so they do shew his want of Skill or Ingenuity at that time, as much as any one part of it. But I need go no farther than this Letter of the Nobility to the Pope, who were extreamly jealous of their Rights of Patronage, and yet they challenged nothing thereby, but a Right of Nomination of a fit Person to the Bishop of the Diocese, not a word of Investiture or Collation by the Patron, which Mr. *Selden* talks of. He doth not deny, *That after A.D.* 1200. *it was the undoubted Law of* England *for the Patrons to present to the Bishops.* But I say, it was the Law of *England* before ever the *Decretals* were made; it was the Original and Fundamental Law of the *English Church*, and as ancient as the Right of *Patronage*. In the same Epistle they desire the Pope to leave them to their ancient Liberty, which was *Personas Idoneas præsentare.* But who is to be Judge of the *Fitness of the Persons?* For that we have a full Declaration of the ancient Law and Custom of *England*, in *Artic. Cleri*, c. 13. *De Idoneitate Personæ præsentatæ ad Beneficium Ecclesiasticum, pertinet Examinatio ad Judicem Ecclesiasticum, & ita est hactenus usitatum, & fiat in posterum.* Upon which my *Lord Coke* saith, *That the Examination of the Ability and Sufficiency of the Person belongs to the Bishop, who is the Ecclesiastical Judge; and in this Examination he is a Judge, and not a Minister, and may and ought to refuse the Person presented, if he be not Persona idonea.* And that this was no new Law, appears by the Words, *That it had been hitherto so used, and should be so for the time to come.* And so *Coke* truly saith, That *this Act was but a Declaration of the Common Law and Custom of the Realm.* So that the Bishops Power of *Examining and Judging the Fitness of the Person presented*, is a part of the *Common Law of* England.

Innocent Epist. l. 1

Selden of Tythes, 361

387.

83, 86, 387.

2 Inst. 632.

15 *H.* 7. 8. It is declared by all the Judges, *That the Bishop in the Examination of a Clerk, is a Judge and not a Minister: And if he misbehaves himself, he is to be punished as a Judge.*

18 *H.* 7. *Keilway* saith, *That the Bishop may refuse for Insufficiency, and is to give notice to the Patron.*

It was resolved by the Court in *Specot*'s Case, *That the Court is to give Credit to the Bishop acting Judicially*; but then it is said, *That the Plea must be special and certain.*

5 R. 57.

And so *Coke* saith, That in a *Quare Impedit* brought against the Bishop for Refusal of his Clerk, *he must shew the cause of his Refusal specially and directly.*

But it was the Opinion of Lord Chief Justice *Anderson, That in things not triable at Common Law, a General Plea was sufficient.* But when the Case came to the *Queen's-Bench*, 32 *Eliz.* it was there said, That the

Anders. 190. Leon. 3, 200.

Articuli Cleri mention a *reaſonable Cauſe*; which, ſay they, muſt be Special; for *cauſa vaga & incerta non eſt rationabilis*. But the main point is, Who is to judge what is a *reaſonable Cauſe?* And I cannot but think that *Anderſon*'s Opinion is the trueſt and moſt reaſonable. If it be for a matter triable at Common Law, that Court is to judge; but if not, I do not ſee how it can be avoided, but the Biſhop muſt judge; and his Judgment of *Inſufficiency* muſt be taken, as well as in any Certificate whatſoever. For if the Law truſt him with the Judgment of a matter proper for him to judge of, other Courts which have no Cognizance of it, muſt give Credit to ſuch a Certificate; or elſe they muſt take upon them to judge in matters that are not of their Cognizance, which is to confound the Juriſdiction of Courts. I grant the Judgment of the Biſhop is not concluſive; but the Appeal then lies to the Supreme Eccleſiaſtical Court, and the *Metropolitan* is to be Judge of the Sufficiency of the Perſon.

" But is not this a great Prejudice to the Right of Patrons, if the Bi-
" ſhops are to judge of the Fitneſs of Perſons preſented; and ſo the
" Patrons Preſentation may ſignify nothing, if the Biſhop pleaſes?

This is a Truſt which the Law repoſes in the Biſhop, and it lies upon his Conſcience to act ſincerely in this matter; and in caſe of *Examination of fit Perſons*, a Truſt muſt be placed ſomewhere; and in whom more properly than in the Biſhop of the Dioceſe, to whom the Care of it doth eſpecially belong, and that by as plain Law as any we have. Are not all Judges truſted in matters that come before them? But this is no deciſive Judgment; for an Appeal lies according to the Nature of the matter. And this is no other Truſt than hath been allowed in all other Chriſtian Nations, where the Rights of Patronage are owned. *Juſtinian* owns it ſeveral times in his *Novels*, not only that the Biſhops are to examine and approve thoſe who are nominated by Founders of Churches; but *if they find them unworthy, they may put others in their room.* By the *Capitulars*, or old Eccleſiaſtical Laws of *France*, the Lay-Patrons are not only to preſent to the Biſhop ſuch as were *Probabilis Vitæ & Doctrinæ*, but if upon Examination they found them otherwiſe, it was in their power to reject them. As to the Canon-Law there can be no Diſpute in this Point: But if the Biſhop refuſed, an Appeal did lie to the Pope; and if he were unjuſtly refuſed the Biſhop was bound to provide for him: but during the Appeal, the Patron might preſent another; whom if the Biſhop approved, the Appeal did fall. *Rebuffus*, a noted Lawyer, ſaith, *That it is a damning Sin in a Biſhop, not to examine the Fitneſs of thoſe who are preſented by Patrons.* And a late learned *French* Canoniſt ſaith, *Thoſe are to blame who lay the Fault of ſo many unworthy Men being in Places on the Lay-Patrons; For,* ſaith he, *the Biſhops are to blame, who are bound to examine, and if they ſee Cauſe, to reject them.* So that we have not only our own Law, but the General Conſent of the Chriſtian World, where the *Right of Patronage* is allow'd, as to the Biſhop's Right of *Examining* and *Judging the Fitneſs* of Perſons preſented to Benefices.

Novel. 53. *Tit.* 12. *c.* 2. 123. *c.* 18.

Cap. *l.* 1. *c.* 84. *l.* 5. 98. Addit. 4. 95.

Ext. de Jure Patr. *c.* 29.

Rebuff. de Nomin. *n.* 10.

Fra. de Roye de Jure Patr. Proleg. *c.* 25.

2. The *Right* of *Collation* upon *Lapſe* belongs to the Biſhop, notwithſtanding the *Right* of *Patronage*. It is ſaid by Lord *Hobart*, *That a Lapſe is not an Intereſt naturally, but a meer Truſt in Law*: And afterwards, *That the Ordinary, or he that is to preſent by Lapſe, is as a kind of Attorney made by Law, to do that for the Patron, which it is ſuppoſed he would do himſelf, if there were not ſome Lett; and therefore the Collation by Lapſe*

Hob. 154.

Lapse is in the Right of the Patron, and for his Turn. This seems to me to be a mistaken Notion of a *Lapse*; for the true Question is, Whether upon a *Lapse* the Ordinary doth collate *Jure pleno*, or *Jure devoluto?* Some *French* Lawyers held the latter; but *Car. Molinæus* and others utterly reject that Opinion, for this Reason; because *Churches* and *Dioceses* were *Jure communi* under the Care of the Bishops; but it was by *particular Indulgence*, that the *Patrons* had the Right of Presentation: which being neglected, things do return to *common Right*; and therefore the Bishop hath a true Interest, and acts not in the Right of the Patron, but his own. De Roye de Jure Patr. p. 95. 145.

It's true, there is a *Devolution* afterwards by our Law: for as the Author of the *Doctor and Student* saith, *The Law of the Realm is, that if a Benefice falls void, then the Patron shall present within six Months; and if he do not, that then the Ordinary shall present; but yet the Law is farther in this case, That if the Patron present before the Ordinary put in his Clerk, that then the Patron shall enjoy his Presentment; and so it is, though the time should fall to the Metropolitan. For,* as he saith, *by our Law, if the Bishop doth not collate within six Months, then the Metropolitan presents.* But this is by a Right of *Devolution*, and then why not the other? Dr & Stud. c. 36. 125.

The Answer is, That the Bishop is *Ordinary* of the *Dioceſs*, and therefore it comes to him of *common Right*; but it falls to the Archbishop, not as *Ordinary*, but as *Superior*; to whom the *Right of Devolution* falls upon the *Inferior*'s Neglect. For, although in some respects, and in the excepted Cases, the *Archbishop* may be said to be *Ordinary of the whole Province*; yet that is not so much in respect of *Immediate Jurisdiction*, which *Hobart* and others say, *was by Virtue of the Legatine Power which was annexed to his See.* But the Archbishop hath a Power as *Metropolitan*, to supply the Defects of the *Suffragans* of his Province; and so this *Right of Collating* upon defect of the *Ordinary*, comes to him by *Right of Devolution.* Hob. 17. Brownl. 21. 27.

But how then comes the King to his Right after the Metropolitan's Neglect? That is, say our Lawyers, *Because the King is Patron Paramount of all the Benefices within the Realm.* The meaning is, That the King by Right of his Crown is to see that all Places be duly supplied with Persons fit for them; and if all others whom the Law hath entrusted, do neglect their Duties, then by the natural Order and Course of Government it falls to the Supreme Power, which is to supply Defects, and to reform Abuses. Dr. & Stud. 124. Plowd. C. 12. 498. *b*

3. The Bishop hath the Right of making an Avoidance by Deprivation or Resignation. For, as he hath the Power of putting-in, so the Law hath lodged in him the Judicial Power of proceeding against Offenders, and hath not left that to the Judgment of the Patron. If we enquire, Who by our Law is made the proper Judge of a beneficed Person, whether he behaves himself so as to deserve to lose his Benefice? Will any one say, that the Law hath put this into the Patron's hands? Yet all those who justifie these Bonds of Resignation, must in effect say, that the Patrons are the proper Judges; for they have the real Power of Deprivation in their hands, and may execute it when they please. Which is such an Arbitrary Jurisdiction, as would be thought intolerable in other Hands.

In all Causes of *Deprivation* of a Person actually possessed of a Benefice, these things must concur.

1. A Monition or Citation of the Party to appear.
2. A Charge given him, to which he is to answer, called the *Libel.*

3. A Competent Time aſſigned for the Proofs and Anſwers.

4. A Liberty for Counſel to defend his Cauſe, and to except againſt the Proofs and Witneſſes.

5. A Solemn Sentence after hearing all the Proofs and Anſwers.

Theſe are the Fundamentals of all Judicial Proceedings in the *Eccleſiaſtical Courts*, in order to a *Deprivation*; and if theſe things be not obſerved, the Party hath juſt Cauſe of Appeal, and may have a Remedy by a Superior Court. And theſe Proceedings are agreeable to the common Juſtice and Reaſon of Mankind; becauſe the Party accuſed hath the liberty of Defence, and the Right of Appeal. But there is nothing of all this, in Bonds of Reſignation; for the Patron takes the Advantage of the Forfeiture of the Bond, and ſo without any Trial, or Proof, or Sentence, deprives him of his Benefice.

Some who are no Friends to the Eccleſiaſtical Courts, would have *no Deprivation of a Benefice, but by Proceedings at Common Law; becauſe it is a Freehold.* Suppoſe that it were ſo (which ſeems contrary to the Courſe of the Law; for the Biſhop in a Plea to a *Quare Impedit*, ſaith, *Nihil clamat præter Inſtitutionem & Deſtitutionem Clericorum*; and *Eccleſiaſtical Deprivations* have been ſtill allow'd at Common Law, if they have been according to the Eccleſiaſtical Laws) but taking it for granted, that a Deprivation of a *Freehold* ought to be at Common Law: what then? What, without an Indictment, and without a Trial by a Jury? No hearing of the Cauſe, no Witneſſes examined, no Counſel to be heard, no Judgment by his Peers? And can this be agreeable to the Fundamental Laws of *England*, to have Men forced out of their *Freeholds* in ſuch an Arbitrary manner? What would they think, if other *Free-hold-Eſtates*, which hold of a Superior Lord, were made ſo Arbitrary, as to depend upon the Will of the Lord ſo, as to be turned out upon ſix Months notice? Let us ſee *Bonds of Reſignation* practiſed upon ſuch Eſtates; and then we ſhall ſoon find what Clamours will be made againſt them, as overthrowing the Fundamental Rights and Liberties of the People. Is there not the ſame Reaſon in this Caſe? Is there not greater? Becauſe theſe Benefices are not Freeholds which are held of the Patrons, but they have only a Right to preſent fit Perſons to them. But it may be, that the Defenders of theſe Bonds will deny Benefices to be *Freeholds* by the Law of *England*. It is eaſie to gueſs what ſome Men would have them to be, by theſe *Bonds*; I am ſure far enough from *Freeholds*. But ſuch private Tranſactions cannot alter the Nature of Things; and we are now enquiring, What Benefices are, by the Law of *England?* It is diſputed at Common-Law, in whom the Freehold of the Glebe-land of a Benefice is, during the Voidance? And it is agreed, That it is neither in the Patron nor Ordinary; becauſe it was given to the Incumbents and their Succeſſors. And therefore they tell us, it is then *in Abeyance*; which is a pretty way of expreſſing, That the Law takes care that it ſhall come to the next Incumbent, notwithſtanding the Diſcontinuance by Death of his Predeceſſor; and I think it had been as well ſaid, That it was in the Law, although not in any Perſon. But it is not diſputed, but that as ſoon as another Incumbent is in poſſeſſion, the *Freehold* is in Him; for thoſe are *Littleton*'s Words, *Sect.* 647. And my Lord *Coke* ſaith, *That the Incumbent cannot be look'd on, as a meer Tenant for Life: becauſe he may have ſuch Writs, which none can have but a Tenant in Fee-ſimple or Fee-tail; and he may receive Homage, which a Tenant for Life cannot do.* And for this he goes as far back as the time of *E.* 1. But long before that in *Glanvil*'s time,

1 Inſt. 341.

Glanvil, l. 13. c. 20.

time, which was of *H.* 2. it is ſaid. *That he that is poſſeſſed of a Beneſice by Inſtitution from the Biſhop, and judged fit by him, ſhall enjoy it for his Life, although the Right of Advowſon be diſputed.* Which is ſeveral times affirmed by my Lord *Coke* upon good Reaſon. In one place he ſaith, *That at the Common Law, if a Church be once full, the Incumbent could not be removed* (excepting juſt Cauſe of Deprivation) *and Plenarty generally was a good Plea in a* Quare Impedit, *or Aſſiſe of* Dare in Preſentment: *And the Reaſon of this was, to the intent the Incumbent might apply himſelf to his Spiritual Charge.* 2. *The Law intended, That the Biſhop that had Cure of Souls within his Dioceſs would admit and inſtitute an able Man for the Diſcharge of his Duty and his own; and that the Biſhop would do right to every Patron in his Dioceſs.* In another place he ſaith, *That by the Order of Common Law, if one had preſented unto a Church whereto he had no Right, and the Biſhop had admitted and inſtituted his Clerk, this Incumbent could not be removed for divers Reaſons:* 1. *For that he came into the Church by a Judicial Act of the Biſhop.* 2. *That by the Common Law, in every Town and Pariſh there ought to be* Perſona Idonea: *and when the Biſhop had admitted him able, which implied that he was* idonea perſona, *then the Law had his final Intention,* viz. *That the Church ſhould be ſufficiently provided for.* 3. *That the Incumbent having* Curam animarum, *might the more effectually and peaceably intend ſo great Charge; the Common Law provided, That after Inſtitution he ſhould not be ſubject to any Action, to be removed at the Suit of any common Perſon, without all reſpect of Age, Coverture, Impriſonment, or* Non-ſane-memory; *and without regard of Title, either by Deſcent or Purchaſe, or of any Eſtate.* Are theſe things conſiſtent with *Bonds of Reſignation?*

1 Inſt. 343. *b.*

2 Inſt. 357.

But it may be ſaid, *That here is no Deprivation ſuppoſed, but a voluntary Reſignation; and what hurt is there, if it be a Man's own Act?*

I anſwer, That we are not only to conſider the Act of the Perſon, but the Intereſt and general Concernment of the Church in it. For in all matters of ſuch a publick Nature, we are not to regard ſo much the Conſent of the Party, as the Nature and Conſequence of the Act it ſelf. If it be an illegal thing, and tend to ſubvert the Rights of the Church, it cannot make it legal to ſay, that it was his own Act. Now as to this kind of Reſignation, we are to conſider theſe two things:

1. That if the Reſignation be not into the hands of the Biſhop, it is an illegal Act, and void of it ſelf.

2. That if it be into the Biſhop's hands, he hath the Power in Law to accept it or not.

1. That the Reſignation muſt be into the hands of the Biſhop. For a Reſignation into the hands of the Patron, is by the *Canon Law* declared to be null and void of it ſelf. So *Innocent* IV. *ad c. 6. de rerum per.* And this is grounded on the Text of the *Canon Law*, C. 17. Q. 2. c. *Gonſaldus*; and on the Appendix to the *Lateran Council* under *Alex.* III. *De Renunt. tit.* 15. *c. pen.* where it is declared, *to be an unworthy thing, and contrary to the Canons, to reſign into the Hands of Patrons.* And *Alex.* III. forbids it abſolutely under an *Anathema. De Renunt. c.* 4. which is confirmed by *Innocent* III. *c.* 8. in the *Decretals.* But we are to conſider eſpecially, how far this part of the Canon Law was receiv'd; and we can have no better a Judge in this Caſe than *Lynwood*, who ſaith poſitively, that *Renuntiatio facta in manus Laici etiam ſponte non tenet*; *i. e.* a Reſignation made into the hands of a *Lay-Patron*, if it be never ſo free, doth not hold: and therefore he ſaith, it muſt be made into the hands of him who hath the *Ordinary Juriſdiction*, and therefore hath power to admit.

v. Flamin. Pariſ. de Reſignat. l. 7. c. 1. n. 9.

Lynw. *f.* 55. *c.* Ne lepra.

He

He observes two things very material as to the point of Resignation:

1. That a voluntary Resignation, though not to the *Ordinary*, deprives the party of the Possession; so as he cannot recover, although he be not wholly devested of the Property, or Right to the thing: *Quia sine consensu Superioris non tenet Resignatio:* And this is founded on that Fundamental Reason, that the Care of the Dioceſs belongs to him, who hath the ordinary Jurisdiction, who was the Bishop: But as *Lynwood* observes, by *Custom and Composition*, this is put into other hands; as in places of exempt Jurisdiction. And so where the power of granting Institution is lodged by the *Bishop's Consent*, and a *Prescription* upon it; there is a Power likewise of receiving a *Resignation:* But not in any, who have only a delegated Power from the Bishop. For there is a difference in Law and Reason between an *ordinary Power* depending on an ancient *Prescription* and *Composition* (as it is in several places in the *Deans and Chapters* within certain Precincts) and an *ordinary Power* in a *Substitute*, as a *Chancellor* or *Vicar-General*. For although such an Officer hath the same Court with the Bishop, so that the legal Acts of the Court are the Bishop's Acts, by whose Authority he sits there; so that no Appeal lies from the Bishop's Officer to himself, but to the Superiour: And although a *Commissary* be allowed to have the power of the *Ordinary* in *Testamentary Causes*, which were not originally of *Spiritual Jurisdiction*, as it is said in *Henslow*'s Case, with which *Lynwood* agrees: Yet in Acts of Spiritual and voluntary *Jurisdiction* the Case is otherwise. For the Bishop by appointing a *Chancellor*, doth not divest himself of his own *ordinary Power*; but he may delegate some parts of it by *Commission* to others, which goes no farther than is expressed in it. For it is a very great Mistake in any to think, that such who Act by a *delegated Power*, can have any more Power than is given to them, where a *special Commission* is required for the Exercise of it. For by the *general Commission* no other Authority passes, but that of *hearing Causes:* But all Acts of voluntary Jurisdiction require a *special Commission*, which the Bishop may restrain as he sees Cause. For as *Lynwood* saith, *nothing passes*, virtute officii, *but the hearing of Causes:* So that other Acts depend upon the Bishop's particular Grant for that purpose. And the Law no where determines the bounds of a *Chancellor's Power* as to such Acts; nor can it be supposed so to do, since it is but a delegative Power: And it is in the Right of him that Deputes, to Circumscribe and Limit it. Neither can *Use* or *Custom* inlarge such a Power, which depends upon another's Will. And however, by modern Practice, the Patents for such places have passed for the Life of the Person to whom they were first granted; yet it was not so by the ancient *Ecclesiastical Law of* England. For *Lynwood* affirms, that a grant of Jurisdiction ceases by the Death of him who gave it: *per mortem deputantis cessat Potestas Officialium:* (or else it could never pass into the Dean and Chapter *sedevacante*; or to the Guardian of the Spiritualities.) And he gives a good Reason of it; *Nè invitus habeat Officialem sibi fortassis odiosum.* It's true, that by the Statute 37 *H.* 8. *c.* 17. meer Doctors of Law are made capable of Exercising *all manner of Ecclesiastical Jurisdiction.* But it doth not assign the Extent of their Jurisdiction, but leaves it to the Bishops themselves, from whom their Authority is derived. And the Law still distinguishes between *Potestas Ordinaria* and *Delegata:* For the former supposes a Person to act in his own Right, and not by Deputation; which, I suppose, no Chancellors or Officials will pretend to. But how far now, a Commission to exer-

6. De Appel. c. Roman. Lynw. f. 54.

9. R. 41. De Testam. v. Stat. v. Approbat.

6. De Officio Vicarii, c. 2.

De Sequestr. v. Officiales.

Bracton, l. 5. c. 2. Fleta, l. 6. c. 37. 1 Inst. 56. Cowel. v. Ordin.

exerciſe Juriſdiction doth hold, when the Perſon who gave it is dead, is not my preſent buſineſs to enquire: But in *Sutton*'s Caſe it ſeems to be taken for granted by the Counſel, that a Chancellor's Patent, confirmed by Dean and Chapter, doth give a Man a Freehold for Life, if he be capable of doing his Duty; otherwiſe he may be deprived for Inſufficiency, as Doctor *Sutton* was. But *Noy* ſaith, *That the Court was in doubt, how far the Act of the Predeceſſor could bind the Succeſſor as to the Profits.* And in the Prebend of *Hatcherly*'s Caſe, *Dodderidge* declared, *That Eccleſiaſtical Juriſdiction in judicial Acts may be executed by Subſtitute: But a Grant of it is not good, but during the Biſhop's Life; and ſhall not bind the Succeſſor.* And *Coke* thought it a very hard thing, *That the Succeſſor ſhould not remove him, but be bound to anſwer for the Acts and Offences of a Commiſſary, which he never put in.* But theſe things belong not to our preſent buſineſs, any farther than to ſhew, that however in ſome Caſes the Biſhops may ſubſtitute others, yet as to *Reſignations* of *Benefices*, for all that I can find, the Law only takes notice of the *Biſhop* himſelf. Cr. Car. 65. Noy, 91. 152.

Lynwood obſerves, that there is a difference to be made between the *Reſignation* of a *ſimple Benefice*, i. e. where there is no cure of Souls, and of ſuch a one that hath ſuch a Cure going along with it. In the former Caſe he ſaith, *That a Reſignation may be to the prejudice of the Party, without the Biſhop's Conſent:* But in the latter, where it may be *to the prejudice of others* as well as of himſelf, it hath no force without the *Biſhop's Ratification: In hoc caſu neceſſaria eſt Ratihabitio Epiſcopi.* So that no *Reſignation* of a *Cure of Souls* can be of any Validity without the *Biſhop's Acceptance.* In the ſame Caſe of *Smith* againſt *Foanes*, it was reſolved and agreed by all upon Evidence at Bar, *That a Reſignation to a Proctor, does not make the Church void, until it be accepted by the Biſhop, and a knowledged before him.* Noy, 157.

2. But ſuppoſe the *Reſignation* be made into the hands of the Biſhop, is he bound to *Accept* it? By what Law? For what Reaſon? Muſt he not enquire into the Reaſon and Inducements of the *Reſignation*, whether it be *corrupt* or not? No *Biſhop* can be bound to accept a corrupt *Reſignation*; and whether it be ſo or not, he is bound to enquire: And if he be not ſatisfied, by what Law can he be required to do that, which he cannot do with a good Conſcience? If the Law hath truſted him with accepting a *Reſignation*, it hath likewiſe truſted him with judging, whether it be fit to be accepted or not. In *Gayton*'s Caſe it is plain, *That the Biſhop may refuſe a Reſignation before a Publick Notary, when there was a Condition annexed to it, which the Law doth not annex.* For in this Caſe, the Condition was, *That if ſuch or ſuch a Perſon were not preſented within ſix Months, the Reſignation ſhould be null:* Which *Coke* then ſaid, *made it void*, becauſe *Reſignations ought to be free:* And this is a Judicial Act, to which a Condition cannot be annexed, no more than an ordinary may admit upon Condition. Owen, 12.

But it may be objected, that in caſe of *Donatives* the *Reſignation* muſt be into the Patron's Hands, as in *Gayr*'s and *Fairchild*'s Caſe: Why then may not a *Reſignation* be good to a Patron in other Benefices, ſince thoſe are as really *Benefices* as the other? Yelv. 60. Moor, 765.

The difference is, that there is no *Preſentation* to the Biſhop in *Donatives*. For, it is agreed by the Judges in that Caſe, *That if there were a Preſentation once made to the Biſhop, it ceaſes to be a Donative, and becomes always Preſentable.* So that the Caſe of *Donatives*, is very different; for we ſay, that where-ever the Biſhop hath a Right to admit, it is his Right Cr 2. 63. 1 Inſt. 344.

to

to accept of a *Resignation*. But in this Case, the Bishop is supposed to have nothing to do in the *Admission* or *Institution* of the Person. If it be asked, *How the Bishops came to lose their Right of receiving the Presentation to these Benefices?* I answer, That they seem to me to have come one of these two ways: 1. *By Royal Licence*; So my Lord *Coke* saith, *That the King may not only found a Church, or Free Chapel Donative himself, but may Licence any Subject to do the same.* But the *Register* supposes a *Royal Foundation*, and not a meer *Royal Licence*, and that it must be proved to be *ancient* too; and therefore a *new Licence* will not come up to the *Register*. 2. By *peculiar Privilege*; as when a Lord of a Manor in a great Parish, having his Tenants about him at a remote distance from the Parish-Church, offers to build and endow a Church there, provided that it should belong entirely to him and his Family, to put in such Persons as they should think fit, if they were in Holy Orders. It's very possible that the Bishops at that time, to encourage such a Work, might permit them to enjoy this Liberty; which being continued *time out of mind*, is turned into a *Prescription*. If these *Donatives* had been common, the Mischief would have been more visible; but being so few in comparison, they have been less taken notice of. And they are to be distinguished from those called *Sine-Cures* and *Exempt-Jurisdictions*.

1 Inst. 344. Regist. 40. 3.

For *Sine-Cures* in Truth are *Benefices presentable*, but by means of *Vicarages* endowed in the same places, the Persons who enjoy them have by long Custom been excused from Residence, which is the most can be said for them. And such *Sine-Cures*, if they be resigned, it must be into the Bishop's hands.

Exempt-Jurisdictions are not so called, because under no *Ordinary*; but because they are not under the *Ordinary* of the *Diocese*, but have one of their own. These are therefore called *Peculiars*, and they are of several sorts.

1. *Royal Peculiars*, which are the *King's Free Chapels*, and are exempt from any Jurisdiction but the King's; and therefore such may be *Resigned* into the King's hands as their proper *Ordinary*, either by *ancient Privilege* or *inherent Right*. But how far *Resignations* may be made to the King as *Supreme Ordinary*, as in *Goodman*'s Case, it is not here a place to examine.

Lynw. f. 64, 80. Roll's Abrid. 2. 356. Coke, 12, 41, 42.

2. *Archbishops Peculiars*; which are not only in the Neighbour *Dioceses*, but dispersed up and down in remoter places: For it appears by *Eadmerus*, *That where-ever the Archbishop had an Estate belonging to him, he had the sole Jurisdiction as Ordinary.*

Ead. Hist. in Anselm. p. 22.

3. *Deans and Chapters Peculiars*; which are places wherein by *ancient Compositions* the Bishops have parted with their *Jurisdiction* as *Ordinaries* to those Societies, whose Right was not *Original*, but derived from the Bishop; and where the *Compositions* are lost, it depends upon *Prescription*, as in the *Deans* and *Chapters* of St. *Paul*'s and *Litchfield*, which are mentioned in the Books, 11 *H.* 4. 9.

Roll's Abr. 2. 357.

4. *Peculiars* belonging to *Monasteries*; for the richer *Monasteries* were very uneasy, until they had obtained either from the *Bishops* or from the *Popes* (which proved the most effectual, but more chargeable way) an *Exemption* from Ordinary Jurisdiction. Those *Churches*, which the *Monasteries* had gotten to be annexed to themselves, were called *Appropriations*; but how far these were exempt from the *Ordinaries* Jurisdiction is not fully understood, and therefore I shall endeavour to explain it.

C. 16. Q. 2. c. Sane.

1. *Appropriations* did not at first imply any *Exemption* from the *Ordinary*. For it was expressly provided in the Canon Law, That no Persons should

ſhould be put into ſuch Churches without *Inſtitution from the Biſhop*; to whom the *Incumbents* were to be anſwerable in all *Spiritual Matters*, as in all *Temporal* to the *Abbots*. And in the oldeſt *Appropriations* which I have ſeen, there is a *Salvo per omnia Jure Epiſcopali*; which Words are inconſiſtent with an *Exemption*.

2. The Forms of *Appropriation* were different afterwards. For altho' none could be made without the Biſhop's Conſent, yet that Conſent was expreſſed in different ways, and had different Effects.

If the Biſhop only confirmed the Lay-Patron's Gift, then nothing but the *Right of Patronage* paſſed, and his Juriſdiction remained. If the Biſhop joined in the Donation in theſe Words, *Concedimus vobis talem Eccleſiam*; then he paſſed away his *Temporal Rights* as to that Church. If the Biſhop granted the Church *Pleno Jure*, then the *Canoniſts* ſay, he paſſed his *Dioceſan Right*; which conſiſted in Rights which the Biſhop had diſtinct from his *Epiſcopal Juriſdiction*; which it was thought he could not part with by any Act of his, for that were to diveſt himſelf of his Order. Ext. de Donat. c. paſtor. Lynw. f. 80

3. *Appropriations*, confirmed by the *Papal Authority*, were allowed to carry with them *Exemptions* from the *Ordinary*. And therefore the *Monaſteries* which could bear the Charge, did not think themſelves free from their *Ordinaries*, till they had obtained *Bulls* for that purpoſe; and then they took themſelves to be free in their *Conventual Churches*, as well as their *Chapels*, or *Oratories* on their own Lands.

4. All *Papal Exemptions* are taken away by Act of Parliament, 31 *H.* 8. *c.* 13. and the *Churches* ſo exempted are put under *the Juriſdiction of the Ordinary of the Dioceſe, or ſuch Commiſſioners as the King ſhall appoint*. So that no *Papal Exemption* can now be pleaded as to *appropriated Churches*, how clear and full ſoever the Charters of *Exemption* were. This is a thing ſo little taken notice of, that I ſhall ſet down the Words, §. 23. *Be it further enacted, That ſuch of the ſaid Monaſteries*, &c. *and all Churches and Chapels, to them, or any of them belonging, which before the Diſſolution*, &c. *were exempted from the Viſitation or Viſitations, and all other Juriſdiction of the Ordinary or Ordinaries within whoſe Dioceſe they were ſituate or ſet, ſhall from thenceforth be within the Juriſdiction and Viſitation of the Ordinary or Ordinaries, within whoſe Dioceſe they or any of them be ſituate and ſet; or within the Viſitation and Juriſdiction of ſuch Perſon or Perſons, as by the King's Highneſs ſhall be limited or appointed, this Act or any other Exemption, Liberty or Juriſdiction to the contrary notwithſtanding.*

Therefore no Perſons who enjoy the Eſtates belonging to *Monaſteries*, can now plead an *Exemption* by virtue thereof from the *Ordinary's Juriſdiction*; nor that they have a Power to put in and put out as they pleaſe, without any regard to the Biſhop's Authority.

But ſuppoſe there were no Endowment, and that the Churches were built on the Site of the *Monaſteries*, and ſo were ſupplied by their own Body; then ſuch Perſons are wholly at their Will, and they may turn them out as they pleaſe. I anſwer;

I confeſs the Condition of ſuch Stipendiaries is as bad as of thoſe who hold their Benefices under *Bonds of Reſignation*; for Tenures at the Will of the Lord, are the worſt of any. But it is to be hoped, that ſuch Perſons who enjoy ſuch Eſtates as were originally deſigned for the Support of the *Parochial Clergy*, (however at firſt fraudulently perverted by the Combination of the *Monks* and *Popes*) will at the leaſt take Care that the Cure of Souls be duly provided for in ſuch places. For that Burthen goes along with the Churches Revenue, in whoſe Hands ſoever it be; and ſo they are both in Law and Conſcience to ſee the Places

well supplied. And by the Statutes of Dissolution, as they do injoy the Rights, so they are bound to provide for the Churches; and where they were *Parochial*, to see that there were a fixed Incumbent with a competent Maintenance; which the Law always took a particular care of.

II. It is time now to consider the *Precedents*, which have been produced to shew that these *Bonds of Resignation* are not against Law.

The first is of *Jones* and *Laurence*, 8 *Jac.* A Bond was given to resign the Benefice he was presented to, within three Months upon Re-
Cr. 2.248. quest: and it was alledged in Court, That it was a *Simoniacal Contract, and against Law.* On the other side it was said, *That there doth not appear any Simony upon the Condition; and therefore Judgment was given for the Bond.* But a Writ of Error was brought in the *Exchequer-Chamber*; and the principal Error insisted on, was, *That this Condition was against Law.* But the Judges of the *Common Bench*, and *Barons of the Exchequer* held, *That the Obligation and Condition are good enough. For a Man may bind himself to resign upon good and valuable Reasons, without any Colour of Simony; as to be obliged to resign, in case of Plurality or Non-residence; or if his Son be at Age. But if it had been for a Lease of the Glebe or Tythes, or a Sum of Money, that had been Simony*, &c. and so the Judgment was affirmed.

To this Precedent I answer, That the Reason of the Judges is insufficient. For it comes to this: The Bond is good because there may be good Reason for it. May it not be said on the other side, The Bond is naught, because there may be a very bad Reason for it? And a Bond that may be turned to so very ill Uses, it cannot but seem strange to me, that the Judges should affirm it to be a good Bond. If the particular Reasons had been made the Conditions of the Bond, they might have judged upon them; but the Bond was general, and no Condition in it but Notice. Therefore the Judgment must be, That a Bond is reasonable, if no bad Conditions appear in it; which makes the Incumbent a Slave to the Patron, and overthrow the just Rights and Liberties of the Clergy; and lays them open to Perjury, when they give such a Bond meerly to obtain a Presentation. And they very well knew that none could be possessed of a Benefice without an Oath against all *Simoniacal Contracts, either directly or indirectly.* Why did not the Judges declare, that it was *Simony* within their Oath? *But they were only to judge of the Law.* And how could they judge this not to be a *Simoniacal* Bargain? *Because there was no Simoniacal Condition in it.* But what is a *Simoniacal Condition?* Where hath the Common Law determin'd it? And by what Rule? Yes, say they, *A Lease for Tythes, or a Bargain for Money, had been Simony.* But how come they to determine that no other Contracts are *Simoniacal*; when they own, *That Simony is not under their Cognisance?* Did they ever offer to advise with the *Civilians?* What was a *Simoniacal Contract*, according to the Ecclesiastical Law? Not the least mention of this; and therefore I cannot but think this a Judgment without sufficient Reason to support it.

The same Cause came on again the next Year; and there it is declared, *That it was not Simony, but good Policy to tie him to resign; and if it*
Cr. 2.274. *were, it is not material.* Here are two good Points declared: 1. *That Bonds of Resignation are good Policy.* To what End? To insnare Men's Consciences; to make the Church a Prey to corrupt Patrons; to keep Men from doing their Duties, least they should displease their Patrons, If this be *good Policy*, let it rather pass for that, than for *good Law*.

2. *That*

2. *That it is not material as to the goodneſs of the Bond, whether it be Simony or not.* Then it ſeems a *Simoniacal* Contract holds good in Law; which, I think, was no *good Policy* for Judges to declare.

But we are told, That 15 *Jac.* in the Caſe of *Paſchal* and *Clerk*, it was ſaid by the Court upon Evidence, *That if the Patron takes a Bond of Reſignation at three Months warning, it was Simony within the Statute.* And for this we are referr'd to the *Roll.* 2051. I wonder this Judgment is not hitherto diſproved, *if the Roll be falſified*; and if not, here is Judgment againſt Judgment. Noy, 22.

But again, in the Caſe of *Babington* and *Wood*, it was reſolved on the ſame Grounds with that of *Jones* and *Laurence*, and ſo deſerves no new Conſideration: and ſeveral other Judgments are ſaid to have been given ſince on the ſame Grounds. Cr. Car. 180. Hutton, 110. Jones, 220. Keble, 2. 446.

But let us compare this Caſe with ſuch as have been adjudged to be *Simony* in the Courts of Common Law.

In the Caſe of *Byrte* and *Manning*, The Court held, *That if a Man enter'd into a Contract to procure a Preſentation, in Conſideration of the Marriage of his Son, that had been a Simoniacal Contract.* Why is not a *Bond of Reſignation*, as much *Simony*, as a Conſideration of Marriage; when both are made equally the Conditions of obtaining a Preſentation? Cr. Car. 426.

If a *Simoniacal Contract be made, and the Perſon preſented not at all privy to it, he is to incur the Penalty of it*; but if a Man be *privy* to a *Bond of Reſignation* in order to a Preſentation, he ſhall not be guilty. And yet in the one Caſe, a Man ſwears with a good Conſcience, which I think he cannot in the other. Cr. Eliz. 789. C. 12.100. Cr. 2.385. Noy, 25. Bulſtrod. 3. 90.

In the Caſe of *Winchcomb* and *Pulleſton*, it was declared to be *Simony, to purchaſe the next Preſentation, when the Incumbent was ſtill alive, but in a Fit of the Strangury.* And yet this was not within the Letter of the Law; for the Living was not actually void. Therefore ſuch Acts, as are againſt the Deſign and Reaſon of the Law, are forbidden by it. And the like was affirmed by *Juſtice Hutton* in the Caſe of *Sheldon* and *Bret.* In a late Judgment in Chancery, *Bonds of Reſignation* at pleaſure to Patrons by their Clerks, are *damned in Equity, when any ill Uſe is made of them.* But why ſhould any ſuch *Bonds be allowed in Law*, which are liable to ſuch ill Uſes? Hob. 165. Winch, 63. Rep. Chancery, 2. 399.

I conclude with the Words of my Lord *Coke*, *That the Common Law doth deteſt Simony, and all corrupt Bargains for Preſentation to any Benefice; and its deſign is, that a fit Perſon for the Diſcharge of the Cure ſhould be preſented freely without Expectation of any thing.* How then can *Bonds of Reſignation* be agreeable to Law? 1 Inſt. 17. *b.*

Having thus diſpatch'd the main Point againſt all *General Bonds*, which are made the Conditions of obtaining a Preſentation; there remain only ſome *Quæry's* to be reſolved.

(1.) Suppoſe a *Bond be required only to tie Men up to do their Duties, and to keep them from Non-Reſidence.* I anſwer, (1.) That the Patron is to blame to pitch upon a Perſon to diſcharge ſuch a Cure, of whom at the ſame time he diſcovers ſuch a Miſtruſt as to need a *Bond* to make him do his Duty. And if a Man makes no Conſcience of his Duty without a *Bond*, I doubt he will make very little with it. If he could make him a good Man by his *Bond*, it were of great Uſe; but if he be not, he may do the more Miſchief by continuing in his Place by the force of a *Bond.* So that I look on ſuch *Bonds*, as apt to raiſe Scruples in good Men's Minds, and to do no good upon bad ones.

2. That all wiſe and good Patrons will conſider the general Miſchief,

more than a particular Inconvenience. And what greater Mischief can come to our Church, than to have *Bonds of Resignation* brought into request? For, besides *corrupt Patrons as to Bargains*; what Advantage will *corrupt Patrons as to Religion* make of it? who by that means will be able to turn out the Incumbents upon notice given, when opportunity serves them; as is before observed in the Preface.

(2.) Suppose *it be a very equitable Case, as for a Minor, is a Bond of Resignation unlawful?*

I answer, That there may be a *lawful Trust*, in such a Case I do not question; but whether the Person who takes this *Trust*, can enter into a *Bond*, and take the *Oath*, I very much question, upon the Reasons already mentioned. For there may be a *confidential Simony*, as the *Casuists* call it; and the way to prevent it, is, say they, That the *Trust* be *sine pretii, pacti, modi, vel conditionis interventu*. For the taking of a *Bond* argues a *Mistrust*; and is therefore contrary to the Nature of a *Trust*.

Navarr. Man. c. 23. n. 109.

(3.) Suppose *the Bishop himself requires a Bond of Resignation, as to a Prebend of his Church, If the Prebendary quit the Dioceſs; is such a Bond justifiable, or not?*

The Bishop is, no doubt, bound to take all possible care of the Good of his Dioceſs, and to make his Preferments serviceable to that End. But if a Man knows beforehand, that without this Condition he cannot obtain it, and with it he may, he runs into a Snare by giving a *Bond* for that End; and after, taking the Oath against any *Simoniacal Contract, directly or indirectly*. I do think these *Bonds* of so bad a Nature and Tendency, that I do wish that no Countenance or Incouragement be given to them; especially by such, whose Example may encourage others to do that for bad Designs which they do for good. And Wise and Good Men will always shew the greatest Regard to that, which serves the most Publick Interest, and prevents the most growing Mischief.

(4.) Suppose *the Incumbent of a Living makes an Agreement with another Clergyman, that he shall have a Lease of his Benefice from three Years to three Years; upon which he takes a Sum of Money, and gives a Bond of Resignation before Harvest, and is to procure a Presentation from the Patron; is this Simony, or not, by our Law?*

Here the Patron is only supposed barely to know and to consent, (which is hardly to be supposed in such kind of Cases) and that the Terms are only between the two Parties, (for I will not suppose the *Bishop* accessary to such Bargains) the Question is, Whether the Incumbent can with a safe Conscience part with his *Benefice* on such Terms? and whether the other can give a valuable Consideration for his Interest in it, if the Patron consents?

I answer, That the Law is as express against *corrupt Resignation, as against corrupt Bargains for a Presentation*; only the Penalty is not so great. The Words of the Act are, *That if any Incumbent of any Benefice with Cure of Souls, shall corruptly resign or exchange the same, or corruptly take for, or in respect of the Resigning or Exchanging of the same directly or indirectly any Pension or Sum of Money or Benefit whatsoever; that then as well the Giver as the Taker, &c. shall lose double the Value of the Money so given, and double the Value of one Years Profit.* 31 Eliz. *c.* 6.

It may possibly be said, That this is a distinct Clause from the other, and hath another kind of Penalty; and so cannot reach Persons in point of Conscience as the other doth. But this is a strange way of dealing with Laws. For there is the same Penalty in the former Clause; only there is added a *present Avoidance*, and a *Disability in Law*; supposing these

theſe two left out, the one ſtands upon the ſame Foot with the other. And I would know, Whether if theſe were gone, they could not as well make a Bargain for a Preſentation, as for ſuch a Reſignation? And is there nothing of Conſcience, or Honour, or a Regard to the Dignity of the Sacred Function in the Caſe? No Reverence to Laws made on purpoſe to deter Men from ſuch ſordid Practices? Is a Benefice to be look'd on as a meer Livelihood, to be bought and ſold as other Eſtates are? Is there no Senſe of any Spiritual Employment going along with it? No Regard to the Charge and Truſt that attends it? If nothing of a Spiritual Nature is to be conſidered in a Benefice, then there can be no ſuch thing as *Simony*; and then their Hearts are at eaſe, and they may publiſh Papers for *Preſentations* as well as for *Reſignation* of *Incumbents*. But I will not ſuppoſe ſuch hard things of Perſons who pretend to be in Holy Orders; but this I muſt put them in mind of, that there is an Oath to be taken, and a very ſtrict one, againſt all *Simoniacal Contracts, either directly or indirectly*. And is wilful Perjury a thing to be ſlighted by any, eſpecially by Church-men, and in order to a Cure of Souls? I have already mentioned my Lord *Coke*'s Saying, *That Simony is the more odious, becauſe it is ever accompanied with Perjury, for the Preſentee is ſworn to commit no Simony*; and for this he refers to *Lynwood*. And I have already ſhewed how *Simony* is to be underſtood according to him. If a ſolemn Oath comes to be ſlighted, and made little or nothing of, how can ſuch Men pretend to Religion or Conſcience? But it may be ſaid, That *Simony is to be determined by the Law; and the Law makes a Bargain with the Patron to be Simony, and not with the Incumbent*. I have ſaid enough already to ſhew, that the Statute doth not determine what *Simony* is, but only inflicts a ſevere Penalty on ſome ſorts of it; and therefore it may be *Simony*, although not expreſly againſt the Words of the Law. But the Words of the Law are expreſs againſt corrupt Reſignations; and I would fain know, whether a Reſignation for Money be not a corrupt Reſignation? And ſuppoſing the Patron innocent, can any Man of common Senſe or Honeſty take the Oath, who comes in upon ſuch Terms, That *he hath made no Simoniacal Contract or Promiſe to any Perſon or Perſons whatſoever, concerning the procuring or obtaining the Rectory or Vicarage*, &c. Is not this Bargain in order to the procuring or obtaining the Preſentation? Let it be with whom it will, if it be for this end, it is *Simoniacal*; or elſe it will be hard to determine what *Simony* is. And as to ſuch kind of *Bonds* of *Reſignation* between Parties, without the Patron's Privity, how can they ſignify any thing, if the Biſhop do not accept the Reſignation? Which I have ſhewed before muſt be into his Hands. But theſe Men ſeem to ſet the Biſhop quite aſide, or to ſuppoſe him very weak and inconſiderate. All they look at is the point of Law; and they may ſay, *They have adviſed with Council, and they have told them, that there is nothing againſt Law in this Practice*. How? Not againſt Law? Did they ask them, whether this were not *a corrupt Reſignation* within the Statute? *No; but whether it were Simony or not?* I hardly ſuppoſe any Man that underſtands what *Simony* is by our Law, would go ſo far; but they might ſay, *It doth not void the Living, nor bring a Diſability on the Perſon*; and ſo far they ſaid as the Statute doth. But is this all which Men of Conſcience, and who take the Care of Souls, are to enquire after? What! nothing but whether *the Benefice will be void or not?* Or, *whether the King may preſent or not?* Are theſe all the Conſiderations, even of Clergymen, in ſuch Caſes? Such kind of Practices, which

3 Inſt. 156.

which savour only of this World, are those which give such Advantages against our Profession, in such an Age of Infidelity as ours. Do not you see, say they, that they mind nothing but their bare Interest as to this World, and have no regard to Law or Conscience, where they contradict it? I am sensible how unreasonable it is, to charge a Profession with the Faults of a few; and those in Comparison, I hope, not considerable in it. But we ought, if possible, to avoid any Scandal of this kind; for it strikes at the whole Body of the Clergy of our Church, and at Religion it self; which if we have any our selves, we shall be very tender of the Honour of. Some Men have a mighty Prejudice against any Church-men meddling in Secular Affairs, although they be Matters of Justice and Mercy, which the Law of the Land calls them to; but my great Prejudice is against such Church-men, who bring Secular Ways of Trafficking into Church-matters, as though nothing were really minded, but *buying, and selling, and getting Gain.* Advancing of Trade is a noble Design in a Nation, and that which makes it considerable at Home and Abroad; but God forbid that such a way of Trading should ever be brought into the Church, or be suffered to go unpunished in it: for it will certainly ruin the best Church in the World, by lessening the Reputation of Church-men, by taking off the good Affections of the People, and making them to run into Faction and Infidelity.

There is certainly something more to be regarded in these things besides our own Interest; there is that of Religion, of our Church, and of the Laws of the Land, which ought to over-rule it. Suppose there were nothing but the bare Law in the case, which expresly forbids all corrupt Resignations; is it not fit for those who are to preach Obedience to Laws, to observe them, in what relates to themselves? Ought they not to be Examples to others in every thing of *good Report*, and to abstain from whatever tends to take off from the Influence of their Doctrine upon the People? And nothing doth it more, than when they are suspected to come among them by unlawful and indirect means.

I have taken the Liberty in this Discourse, to speak my Mind freely about Matters which touch upon *Law* and *Conscience*, the Duties of *Patrons* and *Incumbents*; but I have done it, without any other Design, than of doing some Good, or at least preventing some Mischief to the Church I live in, and which I have a true and a just Value for. If I had not thought that this kind of *Simoniacal Contracts* were a great and growing Mischief, and had not had too much Reason to think so, I should have spared my pains as others have done; for I do not love to be uneasy to my self or others. I know very well, how ill such Discourses are apt to be taken by all that are concerned in them, *viz. Patrons, Incumbents*, and all such *Lawyers* that go about to defend them. But before I conclude this Discourse, I must request some things of all these; and then let them judge as they please, so it be without Prejudice and Partiality.

1. That Patrons would consider, That the Right of Patronage is a Trust committed to them, of which they must give an account to God; for there is an Obligation in point of Conscience, going along with it. It is hard to believe what is commonly reported, how slight many great Patrons make of their bestowing of Benefices, by letting Servants make their best Advantage of them; who scandalously expose the Livings, and themselves, and the Honour of those they depend upon. If Servants deserve to be gratified, for God's sake, let it

not

not be at the Price of Souls. If there were no ſuch thing as Religion, but that the pretended Care of Souls is nothing but an Artificial way of Maintaining a Sett of Men, to keep the People in a little better Order, by telling them of Moral Duties, and another World; then there were ſome Colour for ſuch an affected Negligence in theſe Matters: But I do not believe that any of theſe Perſons can ſatisfie themſelves in ſuch abſurd and unreaſonable Imaginations, againſt the Senſe of all the Wiſer and more conſiderate part of Mankind. But it cannot be denied, that the things which they are to teach the People in point of Morality, are very good things, and neceſſary to be told them. This is all I deſire at preſent. And is it of no Conſequence what ſort of Men thoſe are, who are entruſted with the teaching People their Duties to God and Man? If Religion were only to be regarded in point of Policy; thoſe muſt be far from *Politicians*, who have no regard to the Qualifications of the Perſons they put into ſuch places. For Ignorant and Illiterate Men can never give them good Inſtructions; Scandalous and debauched Perſons will certainly do abundance of Miſchief, making the People more looſe and debauched than otherwiſe they would be. Men of ill Principles will inſtill them into the Heads of the buſie part of thoſe they converſe among, and take upon them to guide; and make them far more ungovernable than otherwiſe they would be. I have no very great Opinion of the World as it is; but I cannot but think, that it would be yet much worſe, if an Ignorant, Vicious, Turbulent, Seditious Clergy were put into all ſuch places as Patrons diſpoſe of: And they know not, but they may be all ſuch whom they preſent, if they take no more care about them; but ſuffer their Servants to make what Bargains they think fit; who mind not they Men, but the Advantage they are to get by them. And there is a juſt Preſumption, that thoſe are not very deſerving, who are ready to drive ſuch Bargains for themſelves: And ſuch Men are not to be valued, as Cattel in a Market, by the Money they will yield.

2. That Lawyers would not encourage their Clients in indirect methods of obtaining Preſentations. For here lies a great part of our preſent Miſchief: The Clergymen who want Benefices, they ſay; we are ignorant of the Law; but we go to thoſe whoſe buſineſs it is to underſtand it: And they tell us, they have Caſes and Precedents in their Books, for ſuch Bonds; and they have been many times adjudged in the Courts of Law to be good; and therefore why are we to blame if we ſubmit to them? But here lies the great Miſtake: The point is really a point of Conſcience as to the Oath; but the Queſtion to put them, can be only a point of Law; who are to give Judgment upon the Statute, and according to the Rules of Judgment allowed in their Courts. But I cannot but obſerve, that there is no Precedent offer'd before 8 *Jac.* 1. and in the 15th. was a contrary Judgment. In the beginning of *Charles* I. the former Judgment was affirmed; and from hence it hath come to be ſuch a prevailing Opinion. I confeſs, that I am not ſatisfied, how far ſuch Precedents, or one or two judicial Sentences make a thing to paſs for Law; nor whether the Authority of ſuch a Sentence, or the Reaſon, is to give the force of Law to it. I obſerve that my Lord *Coke*, when he ſpeaks of the Laws of *England*; he reckons up *Common Law*, *Statute Laws*, *Cuſtoms reaſonable*, &c. but he never mentions the Judgment of the Courts, as any part of our Law; they being no more but a Declaratory Sentence of the Majority of the Judges, when it may be the other differ upon better Reaſons; and when ſuch 1 Inſt. 11. b. 110. b. 115. b.

Rea-

Reaſons come to be thought better by one more at another time, then the contrary muſt paſs for Law on the ſame Grounds. How often do we hear that the Judges were divided in their Opinions in point of Law? How often, that the greater number went one way, but Law and Reaſon on the other? Suppoſe a Lord Chief Juſtice of great Skill and Knowledge in the Law, to be unequally yoked with others of far leſs Judgment; how is it poſſible to prevent that Judgment ſhall not be given on the wrong ſide, if the three happen to be of an Opinion againſt him; or one be abſent, and two be againſt one? In a late great Cauſe, *viz.* of *Commendam*; although three Judges concurred in Opinion, and the general Practice was allowed to be of that ſide; yet becauſe one Judge differ'd from the reſt, his Authority was produced againſt the Sentence of the Court: And for what Cauſe can this be, but the Suppoſition, that it is not the Sentence, but the Reaſon which makes the Law. My Lord Chief Juſtice *Hales* in a MS. Diſcourſe of *the Hiſtory and Analyſis of the Laws of* England, *Chap.* 4. makes three Conſtituents of the Common Law of *England:* 1. *The Common Uſage and Cuſtom:* 2. *The Authority of Parliament:* 3. *The judicial Deciſions of Courts of Juſtice:* But how? *Conſonant to one another in the Series and Succeſſion of Time.* This is ſpoken with great Judgment: For, no doubt, a mighty Regard ought to be ſhewed to a Concurrent Senſe of ſo many Perſons of Ability in the Law, in the different times wherein ſuch Matters have been before them; and this is the higheſt Authority for expounding the Law; but it cannot amount to the making of a Law. For, as the ſame excellent Perſon adds; *It's true, the Deciſions of Courts of Juſtice, although by the ſtrength of the Law of this Kingdom, they do bind as a Law between the Parties to it in that particular Caſe in Queſtion, till Reverſed by Error or Attaint; yet they do not make a Law: For that only the King, by the Aſſent of Parliament, can do.* All that I aim at, is not in the leaſt to take off from the Authority and Reverence due to judicial Deciſions, built upon a General Agreement from time to time; or upon Evident Reaſon in point of Law: But only that things ſhould not be ſo poſitively aſſerted to be Law, which are built only on a few Modern Precedents, without any convincing Evidence: Which I take to be the preſent Cace.

3. That the Clergy would mind their own Honour and Intereſt, and that of the Church and Religion ſo much as not to accept of Benefices upon ſuch Enſnaring Terms, as thoſe of Bonds of Reſignation.

If what I have ſaid on this Argument be true; I am ſure they have all the Reaſon in the World to refuſe them, when they know not what the Conſequence of them may be; and they do know what kind of Oath they are to take. And no Man can honeſtly take an Oath, that is not ſatisfied, that ſuch Bonds are no *Simoniacal Contract* in the Senſe of that Law, by which he is required to take the Oath. Now the Oath is not impoſed by the Courts of Common Law in purſuance of the Statute; for then it were to be underſtood according to the Senſe and Meaning of it; but that very Statute leaves *the Eccleſiaſtical Laws* as they were; by which *Simony* is of a larger Extent than it is underſtood *at Common Law*; and by thoſe Laws this Oath is required. Therefore my Requeſt is to all ſuch Clergymen, as are in danger of having ſuch put upon them; thatthey would ſtudy the Caſe, and ſatisfie their Minds before they venture upon taking an Oath, which may afterwards rob them of that Peace and Tranquility of Mind, which every Good Man will Eſteem above any Benefice in the World.

THE

THE

SECOND PART

OF

ECCLESIASTICAL CASES,

Relating to the

Exercise of *Ecclesiastical Jurisdiction*, as far as it is allowed by LAW.

To which are added,

Two SPEECHES in the House of Lords.

I. The Case of *Exeter* College in *Oxford.*
II. The Case of *Commendams.*

WITH

A DISCOURSE of the True Antiquity of *LONDON*, and its State in the *Roman* Times.

THE

BOOKSELLER

TO THE

READER.

THE First of these Discourses was sent to me by the Right Reverend Author, at the same time that the First Part of the Ecclesiastical Cases relating to the Duties and Rights of the Parochial Clergy *were sent up; and he intended to have added this and the two following Discourses formerly printed to that Volume; but that first Part swelling to too great a Bulk, these were laid aside, and might possibly have been attended with other Discourses of the same Nature, if it had pleased God to have continu'd his Life. The two Speeches in the House of Lords, and the Discourse concerning* the Antiquity of *London, I received from his Son, the Reverend Mr.* Stillingfleet.

DISCOURSE I.

Of the Nature of our Eccleſiaſtical Juriſdiction, *and the Laws on which it ſtands.*

BY the Statute for *Reſtraint of Appeals*, 24 *H.* 8. *c.* 12. we underſtand what that *Juriſdiction* was, which our Laws did not allow, and what it was, which was founded upon them. It begins with a Recital, that it appears from *Ancient Hiſtories and Authentick Records, that the Realm of* England, *is an Empire governed by one Supreme Head and King, to whom the whole Nation owes a natural and humble Obedience*; *but the People* are *divided in Terms, and by the Names of the Spiritualty and Temporalty.* However that *there is ſufficient Power, Authority and Juriſdiction within the Realm to end all Cauſes that ariſe, without any Appeal to a foreign Court*; the *Body Spiritual, uſually called the Engliſh Church, judge all ſuch Matters as belong to them*; *and the Laws Temporal are for trial of Property of Lands and Goods, and for the preſervation of Peace and Unity*, according to which, *there are Judges of the Temporalty appointed to adminiſter and execute Juſtice, and both theſe do conjoin together the one to help the other.*

From whence theſe things do naturally follow:

1. That an External and Foreign Authority and Juriſdiction is inconſiſtent with the original Conſtitution of our Government, and the Deſign of our Laws.

2. That there are two ſeveral ſorts of Juriſdiction owned by our Laws, the one *Spiritual*, and the other *Temporal*; and that both theſe concur *to the due Adminiſtration of Juſtice*, as the Words of the Statute are.

But the Statute proceeds to ſhew, *Ar.* 2. that notwithſtanding the Statutes of *Proviſors* and *Præmunire* in the times of *E.* 1. & 3. and *R.* 2. & *H.* 4. there had been many Encroachments made, eſpecially in Caſes of *Appeal* as to ſuch Matters, which *by the Goodneſs of the Princes of this Realm, and by the Laws and Cuſtoms of the ſame, did appertain to the Spiritual Juriſdiction of this Realm.* And theſe Matters are expreſſed to be *Cauſes Teſtamentary, Cauſes of Matrimony and Divorces, Rights of Tithes, Oblations and Obventions*: Therefore it is enacted, *That all ſuch Cauſes ſhall be finally determin'd within the King's Juriſdiction and Authority, and not elſewhere, in ſuch Courts Spiritual and Temporal, as the Natures, Conditions, and Qualities of the Caſes ſhall require.* From whence it follows,

1. That the Intention of our Laws before was to reſtrain the Exerciſe of the Pope's exorbitant Juriſdiction here in matters which belong'd to our own *Spiritual Juriſdiction*, according to *the Laws and Cuſtoms of the Realm.*

2. That the particular Deſign of this Law is to reduce things to their ancient and legal Methods which had been ſo much ſubverted by the Pope's gradual Encroachments and Uſurpations.

3. That our own *Laws and Cuſtoms* are the beſt Means to ſet the Bounds and Meaſures, as to *Spiritual* and *Temporal Juriſdiction.*

4. That

4. That the ſame Statute which takes away the Pope's Juriſdiction in matter of Appeals, doth eſtabliſh the Authority of our Spiritual *Courts* in ſuch things as by the *Cuſtoms* and Laws of *England* belong to their Juriſdiction.

5. That ſince no other Law hath taken away this Power and Juriſdiction from the Spiritual Courts, they remain ſtill in the ſame Force and Authority from this particular Statute, as well as from the ancient Laws and Cuſtoms of the Realm.

It's true that by the Act 17. *Car.* 1. *c.* 12. the Exerciſe of the ordinary Spiritual Juriſdiction ſeem'd to be taken away; but by the Act 13. *Car.* 2. *c.* 12. that Clauſe is wholly repealed, and the Eccleſiaſtical Juriſdiction reſtored to the ſame Condition it was in before, in all Cauſes and Matters belonging to the Eccleſiaſtical Juriſdiction, according to the *Eccleſiaſtical Laws* uſed and practiſed in this Realm in as ample manner and form, as they did and might lawfully have done before the making of the ſaid Act.

And it is obſervable, that although there was a deſign to have reformed the Eccleſiaſtical Laws by virtue of the Statutes 25 *H.* 8. *c.* 19. 27 *H.* 8. *c.* 15. 35 *H.* 8. *c.* 16. 3 *E.* 6. *c.* 11. and Commiſſions were iſſued out to that purpoſe, and a Draught agreed upon; yet theſe never paſſing into a Law, the old *Eccleſiaſtical Laws of* England continued ſtill in force, which *were not contrariant or repugnant to the Laws, Statutes and Cuſtoms of the Realm, nor to the damage and hurt of the King's Prerogative.* And from hence the *Eccleſiaſtical Laws* are mentioned in ſeveral Acts of Parliament, as ſtill in being after the Statute 25 *H.* 8. *c.* 19. So 27 *H.* 8. *c.* 20. Tithes are required to be paid *according to the Eccleſiaſtical Laws and Ordinances of the Church of* England, 32 *H.* 8. *c.* 7. *Detainers of Tithes are to be proceeded againſt according to the Courſe and Proceſs of the Eccleſiaſtical Laws*, 35 *H.* 8. *c.* 19. Perſons are ſuppoſed to be *convict according to the Eccleſiaſtical Laws*, 1 *E.* 6. *c.* 2. An Alteration was made as to the Name and Authority by which the Summons, and Citations, and other Proceſs was ſent out; for inſtead of the Biſhops Names, they were to be in the King's Name as in Writs at Common-Law, but with the *Teſts* of the Biſhops. Which was occaſion'd by the Jealouſy ſtill remaining, that ſome Biſhops acted by Authority from *Rome*; (which Jealouſy is removed by the Act of Supremacy, 10 *Eliz.*) yet we find all the ſame Proceedings allowed in the Eccleſiaſtical Courts as are mention'd in the Statute, 24 *H.* 8. *c.* 12. and ſome more mention'd, as *Cauſes of Correction and Inquiries de Jure Patronatûs*, &c. There hath been a great Difficulty made by ſome concerning this Act; becauſe it was repealed 1 Q. *M.* 2. and that Repeal taken off 1 *Jac.* 25. *n.* 48. Therefore, ſay they, this Act is revived, and conſequently the Eccleſiaſtical Proceſs muſt be in the King's Name, and not in the Biſhops.

But we are to conſider, that the Act 25 *H.* 8. *c.* 20. gives the Biſhops conſecrated after the Manner there preſcribed, *Power to execute in all things touching the ſame, as any Arch-Biſhop or Biſhop of this Realm, without offending of the Prerogative Royal of the Crown, and the Laws and Cuſtoms of this Realm, might at any time heretofore do:* Now the Acting in their own Names, was according to the *ancient Cuſtoms of the Realm*, and not then look'd on as any diminution of the *Prerogative*; for then it would never have been ſuffered in ſo jealous a time as the Remainder of the Reign of *H.* 8. For as long as they diſowned the Pope's

Power, and owned the King's Supremacy, by 25 *H.* 8. *c.* 19. they did not regard in whoſe Name the Proceſs went out, the Diſpute not being between the King and the Biſhop, but between the King and the Pope, and when the Biſhop owned the King as *Supreme Head*, the Proceſs muſt run in the Name of one who owned no other Supreme Head but the King; and what greater Injury was this to the Prerogative, than every Lord of a Manor calling a Court in his own Name? And this ſeems to me a very unreaſonable Objection, unleſs it be ſuppoſed that the Biſhop had no other Power of Juriſdiction but what he derived from the Pope, which is a ridiculous Suppoſition; for the Biſhops did exerciſe a Spiritual Juriſdiction here, by virtue of their Office, and the Laws of the Land, before the Pope's Uſurpation here. If then the old Kings of *England* did, by Conſent of the Eſtates of the Realm, allow the Biſhops to exerciſe a Spiritual Juriſdiction without Regard to the Pope's Authority, how can this be ſuppoſed to be any Diminution to the *King's Prerogative?* It is poſſible that the Popiſh Biſhops in the time of *E.* 6. might in the Height of their Bigotry aſſert, that the Biſhops had no Juriſdiction but what they derived from the Pope; but this was not the ancient Doctrine of the Biſhops of *England*, who exerciſed a Spiritual Juriſdiction by Virtue of their Office, without any Authority derived from a foreign Biſhop. Therefore we are to take the Practice of the Biſhops Juriſdiction from the ancient Cuſtoms here receiv'd, and not from any late and novel Opinions; and theſe two Acts of the ſubmiſſion of the Clergy, *c.* 19. and this of the Biſhop's Authority, *c.* 20. as going together. But now 1 *Eliz.* 1. both theſe Acts are revived, *n.* 6, 7. And ſo if there had been no Repeal of Q. *Mary* of the Statute 1 *E.* 6. when theſe Acts were revived, the Biſhops had Power to act as formerly; for this Revival was a virtual Repeal of that Act. And the Repeal of Q. *Mary*'s Act, 1 *Jac.* 25. doth but leave that Act as it ſtood in Competition with 25 *H.* 8. *c.* 20. But the Act of *E.* 6. not being revived, but the other, it puts the State of Epiſcopal Juriſdiction then juſt as it was, when the Act of 25 *H.* 8. paſſed. Why was not this Repeal taken away 1 *Eliz.* as well as 1 *Jac.* 1? It ſeems they then thought the Revival of 25 *H.* 8. would ſet the matter right without any Reflection upon 1 *E.* 6. And the Biſhops all Queen *Elizabeth*'s Reign acted by virtue of the Statute 25 *H.* 8. and no Prejudice to the Prerogative then: How can we then imagine it to ſuffer by 1 *Jac.* 1. when the ſame Laws as to the Prerogative were in force? And Q. *Eliz.* took care to ſecure it by the Act of 1 *Eliz.* which effectually aboliſhed all foreign Juriſdiction, *n.* 16. and annexed Eccleſiaſtical Juriſdiction to the Crown of this Realm, *n.* 17. If they had then thought the Biſhops uſing their own Names had been contrary thereto, it is not to be imagined, that it would have been permitted at that time. For they were then as jealous of the Prerogative, as any have been ſince, and did take as much Care to preſerve it; but this they thought not worth any Notice being taken of it. And it ſerves only for a Pretence to quarrel at the Eccleſiaſtical Juriſdiction, when they have nothing material to alledge againſt it.

But there are others who go much farther than this Objection reaches; for they pretend that the very Notion of *Eccleſiaſtical Laws* is wrong; for it ſuppoſes a diſtinct Law from the *Common Law of England*, which, ſay they, is inconſiſtent with the *Rights* and *Liberties* of the People of *England*.

This

This ſtrikes at the root of all *Eccleſiaſtical Juriſdiction* and therefore muſt be fully anſwer'd, before I proceed; and that ſhall be done by theſe ſteps;

1. By ſhewing that it proceeds upon a very falſe ſuppoſition, *viz.* that it is one of the Fundamental Rights of the Nation, to have ſuch a *Common Law* as excludes the Eccleſiaſtical.

2. That the *Eccleſiaſtical Laws* of *England* are built on the ſame Foundations with other parts of the Common Law. And that theſe Laws are allow'd, and owned, by the greateſt Aſſerters of our *Common Law.*

1. This mighty Objection argues great Ignorance of our Fundamental Conſtitution, as though it depended upon having *one Common Law*; by which they bring all things under the Cogniſance of what they call *Common Law*, ſo that all Cauſes ſhould be heard and determined by the Rules and Methods uſed in thoſe Courts, which proceed according to it. This Term of *Common Law* ſeems to favour the Pretenſions of thoſe who would bring all Matters to be tried by it; but if they would look into the *Original* or *Grounds* of it, they would find themſelves deceived. For the *Common Law* had not its Denomination from the Univerſality of its Extent; as though all things were under its Juriſdiction; and all other Methods were but Encroachments upon it. But the true Notion of the *Common Law* extends to all thoſe Cuſtoms, which have obtained the Force of Laws, although the Method of Proceeding be very different in them. And although the Modern Acception of it ſeems to Reſtrain it to the *Municipal* Laws of the Kingdom, as diſtinguiſhed from the more General Laws and Cuſtoms here receiv'd, which are grounded on the Civil, Canon or Maritime Laws; yet I ſee no Reaſon why thoſe Laws which ſtand upon one Common Bottom, as being receiv'd by Immemorial Cuſtom, ſhould not paſs under the ſame Denomination. For the Original *Common Law* of *England* was that which is commonly called, *the Laws of Edward the Confeſſor*, which was a Collection made in his time of the beſt of thoſe Laws which had been diſuſed by the *Daniſh Irruptions*, and were then thought fit to be brought together for the common Uſe of the Nation. For it appears from our beſt Hiſtorians, that there were different Laws in the ſeveral Parts of the Nation; the *Mercian Laws* were in many things different from the reſt; the Laws of the *Eaſt Angles* were *Daniſh*, and ſo were the *Northumbrian*; and the Laws of the *Weſt Saxons* differ'd from both the other; and were collected by *Alfred*, who made uſe of the *Mercian* and *Kentiſh Laws*. But although he deſigned great Matters as to the Laws, as well as to Religion and Learning; yet his time was ſo very troubleſome, that no laſting Effect follow'd his Endeavours, (notwithſtanding all that is ſaid of him in the Book called the Mirror of Juſtices, ſaid to be written in the time of *E.* 1.) in King *Edgar*'s time there was a freſh Attempt to ſettle the Laws; but he was taken off in the Flower of his Years, and a very tempeſtuous time followed. After *King Edward* was ſettled in the Throne, there happen'd a conſiderable time of Peace; and then a Collection of our Laws was again thought of; and many of them were put together, which were of moſt general Uſe, under his Name. And theſe ſaith *Brompton* and *Ranulph Higden* were called the *Common Law of England*; not, that theſe Laws were then made, but that they were then made common to the Nation; as the Paraphraſt on the Confeſſors Laws confeſſes, *c*, 35. *Script. p.* 957. *Ran. l.* 1. *c.* 50.

Theſe

Theſe Laws being thus publiſhed and commonly receiv'd, the People of *England* grew extremely fond of them; in ſo much, that when *William* I. found there was no Governing this People without Laws, he would fain have put the Law of the *Eaſt Angles* upon them; but they would not hear of any but *King Edward*'s *Laws*; which he promiſed with his own Amendments; but kept them as he ſaw Cauſe. After him *William* II. regarded no Laws at all. *Henry* I. took an Advantage by this, and promiſed to reſtore King *Edward*'s Laws, upon which he was Receiv'd; but he kept not his Word. When his Daughter treated with the *Londoners*, they inſiſted upon King *Edward*'s Laws; which ſhe refuſing they deſerted her, as *Florentius Wi-*
A D. 1141. *gornienſis* relates. Her Son *Henry* II. ſaw no ſatisfaction would be given to the Nation without theſe Laws, and therefore he Reſtored them as they are in *Hoveden*. His Son *Richard* I. was moſt abroad, and left things at home in the Hands of Others. His Brother *John* had very little Contentment here, becauſe he preferr'd his own Will and Pleaſure above the Law, which the Nation would not bear; and ſo at laſt he conſented to the Reſtoring the *Ancient Laws*, but new digeſted under the Name of *Magna Charta*; which was confirmed by following Kings, and juſtly look'd on as the Standard of our Laws and Liberties.

Now it ought to be obſerved, that in all theſe ſeveral Collections of our Ancient Common Law, the Eccleſiaſtical Laws are ſo far from being Excluded, that the firſt Care is taken of them. In the Laws of *King Edward*, the *Churches Rights and Liberties* are ſecured in the firſt Place; and the *Eccleſiaſtical Juriſdiction* in the following Sections.

It's true, that the Eccleſiaſtical Cauſes were then heard in the Kings Courts; but how? Not according to the Municipal but the Eccleſiaſtical Laws; as appears by the *Saxon* Laws and the Charter of King *William*, when he ſeparated the Courts; of which hereafter. But in the Laws of *King Edward* it is provided for, that the Eccleſiaſtical Cauſes were to be firſt Diſpatched. In the Laws of *Henry* 1. c. 5. the Diſtinction of Cauſes is ſet down, and ſome are ſaid to be *Eccleſiaſtical* and ſome *Secular*; and the Method of Proceedings in the former, as to Accuſation and Witneſſes, is at large ſet down.

In the great Charter, the firſt Article is, that the Church ſhould enjoy all its Rights and Privileges entire, *i. e.* ſaith my Lord *Cooke*; *all their lawful Juriſdictions, and other their Rights without any diminution*
2 Inſt. 3. *or ſubſtraction whatſoever.*

But ſay theſe Men, the moſt Fundamental Rights of an Engliſh Man by *Magna Charta* is to be tried by his Peers, *c.* 29. which is not done in the Eccleſiaſtical Courts, and therefore the Proceedings there are inconſiſtent with our Rights and Liberties.

This is the main Strength of the Argument againſt the Eccleſiaſtical Laws and Courts, to which I ſhall give a clear and diſtinct Anſwer.

1. How is this poſſible to be the meaning of *Magna Charta*, when the Churches Liberties and Juriſdiction, were ſecured before? And no Man ever pretended that the Eccleſiaſtical Proceedings were at any time in the way of Juries. The *Common Law* of *England*, was Originally a *Mixt Law*, and conſiſted partly of old *Saxon Cuſtoms*, partly of the *Rules of the Civil and Canon Law*; and partly of the *Feudal Law* relating

lating to Tenures, &c. No one of theſe can pretend to be the old *Common Law* of *England*; and altogether do make up the Body of it. Now as to Trials which related to Mens Legal Eſtates, the *Saxon* Cuſtoms and the Feudal Law did agree, *viz.* That no free Man ſhould be diſſeiſed of his Liberty and Rights but by the Trial of his Peers. The Occaſion of the Renewing this Law, was this, *King John* being a Man who took great Liberties himſelf, was not willing that his People ſhould enjoy any under him; For he ſeized upon Mens Perſons and took away their Eſtates, without any Proceſs at Law, but meerly at his own Will and Pleaſure. This may be ſeen at large in *Matt. Paris* and others; and therefore the People of *England* had great Reaſon to inſiſt upon this as a Fundamental Right. But there was no ſuch Complaint againſt another Method of Proceeding in Eccleſiaſtical Cauſes, which went upon different Rules as to Judicial Proceedings. *viz.* by Accuſation and Depoſition of Witneſſes; For if this had been the thing meant, there would have been ſomething in *Magna Charta* againſt them, but here the whole relates to the King's Proceedings by himſelf againſt Men, *nec ſuper eum ibimus, nec ſuper eum mittemus*; my Lord *Cooke* ſaith, *this is to be underſtood of the King's Suit*; I rather think it relates to the King's uſing *no Suit* at all, but meer Arbitrary Power in his own Cauſe. For the Intention of *Magna Charta* was to ſettle the Juſt Meaſures of Proceedings between the King and People. 2 Inſt. 49.

2. The Expreſſions there uſed do not exclude any other cuſtomary way of Trial allow'd by the Law of the Land; for the words are, *niſi per legale judicium Parium ſuorum vel per Legem terræ.* Can any who underſtands the Nature of our Conſtitution think the latter to be only an Explication of the former? But the *Lex terræ* was a diſtinct way of Trial at Law; therefore Mr. *Selden* renders it thus; Neither will we enter into his Poſſeſſion, nor convict him, but by legal Judgment of his Peers, or by Jury; or by Trial of him by Oath, or Wager, or doing his Law. For *vadiare Legem* is to offer the Oath or Trial; *facere Legem* to make Oath. *Bracton* ſaith of Perjured Jurymen, *Legem terræ amittunt*; i. e. *non erunt Otheſworth nec ad Teſtimonium admittentur.* This was an uſual way of Trial in the *Saxon* times, and was called *Atha*; in the Privileges of *Glaſenbury* the King grants *Athas* & *Ordelas*, i. e. the Trial by Oath and by *Ordeal*; this ſaith Sir *H. Spelman* is *often mention'd in the Ancient Laws*; and it is likewiſe in *Domeſday Book.* This way of Trial was not by the ſingle Oath of the Party, but by ſuch a Number of Compurgators as the Judge thought fit; generally two beſides the Perſon: And this was anciently allow'd in other Caſes beſides Actions of Debt; for Mr. *Selden* ſaith, *in the old Rolls, nothing is more uſual than in Criminal Actions (not Capital) and Civil of any kind to admit Leygager, as in Attachments upon Prohibitions, Quare impedits, and the like.* But this Paſſage of *Magna Charta* doth certainly relate to the King's Proſecution and not to Matters of Appeal at the Suits of the Party; ſo my *Lord Cooke* confeſſes, and he affirms, *that there are ſeveral Trials allow'd by the Common Law, without Juries.* And among others he mentions two ſorts of Trials by *Certificates*; ſome in Temporal Cauſes, as the Certificate of the Lord Marſhal, of the Judges upon Records; and of the Sheriffs upon Privilege; and for Spiritual Cauſes, he inſtances in Marriage, Baſtardy, Excommunication, *&c.* which he ſaith are regularly to be tried by the Certificate of the Ordinary. And

Notes on Fortescue 27.

Bract. *l.* 4. *r.* 5. *c.* 5.

Concil. *l.* 335.

Diverſity of Courts, in fin. ib.

9 R. 30. 1 Inſt. 74.

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are not all these equally against *Magna Charta?* And elsewhere he saith, that the Trial of Things done out of the Realm before the Con-
1 Inst. 261. stable and Marshal of *England*, is by *Witnesses* or by *Combat*, and their proceeding is according to the Civil Law, and not by the Oath of Twelve Men. So that the plain meaning of *Magna Charta* is not to overthrow any other Legal Ways of Trial, which had been settled by Custom and Consent; but that in all Indictments and Prosecutions at the Suit of the King, the Person indicted shall be tried by *his Peers*, or by a *Jury of twelve Men*. And so the Author of the Diversity of Courts
p. 324. in the time of *H.* 8. states the Matter: Upon an Indictment saith he, the Common Trial by our Law is by the Verdict of twelve Men upon their Oaths; but sometime saith he, the matter shall be tried by the Bishop, and not by Verdict of twelve Men, as generally Bastardy, *&c.*

3. If this Argument be good against Ecclesiastical Proceedings, it must likewise hold against all Proceedings in other Courts, which make no more use of a Trial by Juries, than the Ecclesiastical Courts do. So in Courts of Equity and Conscience. For they are as fully against this Passage of *Magna Charta*, as the other can be supposed to be; and so much more, because the Churches Jurisdiction is preserved therein, but there is no Salvo for the Courts of Chancery or Admiralty, which proceeds upon Deposition of Witnesses after the manner of the Civil Law, and not according to the ordinary Course of the Common Law; which allows of no such Proceedings. What shall be said now? Are all Courts of Equity to be run down, because they take *Depositions*, and require Answers upon Oath to *Interrogatories?* The very same Arguments have indeed in our time been urged against this Court, and that
H. of L. L. No. 12. 90. by knowing Persons in the Common Law; and the Answer given, was, that *Magna Charta*, by the Law of the Land doth allow all ancient Customs and Practices, although different from the Proceedings of the Common Law. But it was said on the other side, that there could be no Proof of such ancient Customs and Practices as to the Court of Equity. The *Court of Record* in *Chancery* as it was *Officina Brevium* was allow'd to be very Ancient; but the *Court of Equity* was said to be no older than *H.* 4. when Feoffments came in, or it may be later. And the Greatness of the Jurisdiction of that Court my *Lord Cooke* attributes
2 Inst. 453. to three Cardinals, *Beaufort*, *Kemp* and *Woolsey*; others more probably to the Defects of the Common Law, as to the Case of *Fraud*, *Accident*, and *Trust*. However, if this Argument from *Magna Charta* hold, these can never justifie the Proceedings of a Court of Equity against a Fundamental Right, if it be so strictly understood. But if allowance be made for Ancient Customs of the Nation as to other Trials; then there will appear greater Evidence of the Proceedings in the Ecclesiastical Courts than in any such Courts of Equity, which yet are now the most prevailing Courts of the Nation. And the same Reason will hold against the Proceedings in the *Court* of *Admiralty*; which are known and allowed to be according to the Methods of the Civil Law, which hath been the Occasion of several Controversies between the *Courts* of *Common Law* and the *Court* of *Admiralty* as concerning Contracts made beyond Seas: For, on the one side, *Littleton*'s Authority is produced, *Sect.* 440. *that a thing done out of the Realm may not be tried within the Realm by a Jury of twelve Men*; On the other side it is said, *that the Trial of Contracts belongs to the Common Law, where-ever they are made*
4 Inst. 143. *and that the Admiralty cannot take Cognisance of any thing but what is done upon the Sea.*

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Let us take that for granted; but how comes a thing done beyond Sea to be capable of being tried by a Jury in *England*, who are to be of the Neighbourhood? For that my Lord *Cooke* hath told us of an admirable Expedient at Common Law; which is, *That an Obligation made beyond Seas may be ſued here in* England *in what Place the Plaintiff will.* What then? *If it bear date at* Bourdeaux *in* France, *where ſhall it be ſued?* And Anſwer is made, *that it may be alledged to be made in quodam loco vocato* Bourdeaux *in* France. Very well: Then a thing done beyond Sea may be tried by a Jury here. No; for it follows, *In* Iſlington *in the County of* Middleſex. How can theſe two be honeſtly put together? No matter for that; for he adds very peremptorily, *that there it ſhall be tried.* By what Colour? *By a certain Fiction at Law.* And what Reaſon can be given for ſuch an extravagant Fiction? The only thing pretended is, *to prevent a Failure of Juſtice.* But the bottom of all ſeems to be, to bring all things to a Trial at Common Law, as though there were no Juſtice to be expected in any other Court. But why then may not ſuch kind of *Fictions* remove Cauſes out of all other Courts proceeding by other Methods to prevent a Failure of Juſtice: For my *Lord Cooke*'s Reaſon will hold as well from *W.* 2. *Ne Curia Regis deficeret in Juſtitiâ exhibendâ.* And truly it ſeems very hard to challenge a Right of Juriſdiction from *a Fiction at Law*, and ſuch as was never known, till a Bill for that purpoſe, as we are told, was rejected in the Houſe of Lords in the latter end of *H.* 8. But what Foundation in Law is there for ſuch a kind of *Fiction* in matters of Fact? And if there be none, what Bounds can be ſet to them? All that is ſaid to any purpoſe is, *That Contracts in general belong to Common Law; and the Place is not material to the Contract.* Very true, if the Queſtion be not about Juriſdiction; for then the Place is material. As if the Admiral exerciſe Juriſdiction upon Land for things which are under his Cognizance at Sea, will they ſay the Place is not material? And upon this Point the Controverſy began. For the *Admiral* in the time of *R.* 2. without any Fiction of Law, aſſumed a Juriſdiction within the *Bodies of Counties*; upon which a Complaint was made in Parliament, which was the occaſion of the reſtraining Statutes, 13 *R.* 25. 15 *R.* 2, 3. Notwithſtanding this, freſh Complaints were made, 4 *H.* 4 *n.* 47. 11 *H.* 4. *n.* 61. and Care taken to reſtrain the Admiral's Power to things done upon the Seas, and other matters upon the Land here were left to be tried at common Law. But ſtill the Queſtion remained about Contracts beyond the Seas, which thoſe Laws took no notice of, the Admirals challenged the Juriſdiction to themſelves, becauſe the *Lord Marſhal* judged of all things relating to War beyond the Seas, and therefore the Admiral look'd on all other Cauſes that aroſe there to belong to him, becauſe in his Patent all manner of Juriſdiction is comprehended; which Cuſtom had interpreted not barely of things done upon the Seas, but of ſuch matters which no other Court could pretend to. Now, ſay they, the Courts of Common Law have a limitted Juriſdiction to matters done within ſome County of *England*, where the King's Writ doth come. And ſo much ſeems to be confeſſed on the other ſide, when they yield that the Action muſt be laid here at home, although it was done abroad. And it is impoſſible to ſuppoſe a Jury of the Neighbourhood to try it, which is certainly a part of our Conſtitution, as well as a Trial by Juries. But it is more diſhonourable to our Laws to make uſe of ſuch Fictions to maintain its Juriſdiction, than

1 Inſt. 251.

1 Inſt 405.

Selden, Mare cl. l. 2. c 24.

to leave things to ſuch Methods of Trial which our Anceſtors allow'd.

I do not go about to aſſert the Authority or Juriſdiction of one Court againſt another; nor in the leaſt to diſparage the Juſtice of Proceedings in Trials at Common Law, which have in ſome reſpects the Advantages of any other; but all that I argue for is, that all Meaſures of Juſtice be not confined to the Courts of Common Law; for that were really to charge ſome of the wiſeſt Nations of the World with the not underſtanding the right Methods of Juſtice. It is very hard to ſuppoſe, either that the *Romans* wanted the juſt Methods of Proceeding in Trials, or that other Nations ſhould be ſo deceived, as to take up their Methods when their Power was gone, unleſs there had been ſomething in their way which gave them Satisfaction in Point of Juſtice, which all civilized Nations are very careful about. Now the Method of Proceedings uſed in other Courts beſides thoſe of the Common Law, are taken from the old *Roman Laws*; and when our Way of Trial by *Juries* is magnified as ſo peculiar to our ſelves, it looks like a tacit Reproach of the far greateſt part of the Pretenders to Juſtice in the World. And yet thoſe who have look'd more narrowly into theſe Matters have found, that the Trial by Juries even among us is not of that wonderful Antiquity which ſome imagine. It's true that *Ethelred* before the Conqueſt, did appoint twelve in every Hundred to hear Cauſes, but theſe were Judges of Law and Fact too. The way of Trial by Aſſize of twelve ſufficient Perſons, was look'd on as a great Novelty, and a Favour too in *Glanvil*'s time, to avoid Trial by Combat, but was very different from our modern Juries. *Bracton* ſaith, that in his time, if the twelve differ'd, then others were to be added till the Judge could find out twelve agreeing, and then their Verdict ſtood. In *Fleta*'s time the Judge might keep them together till they agreed. And *Brook* ſaith, *the Judges might carry them about in Carts with them till then*; but I know not what Authority he had for it.

Preface to 8 *Rep.*

Glanvil, *l.*2.*c.*7,10, 11,12,17. Bract. 4. 19.

Flet. 4. 2. Br. Juriſd. *n.* 105.

But my buſineſs is not to find fault with this Way of Trial by Juries; for I do freely confeſs, that if the Law be obſerved, as to the Return and Qualifications of the Perſons, and the Evidence be fully delivered in Preſence of the Judges and Parties, by ſufficient Witneſſes, it is one of the faireſt Methods of Trial in the World. But it cannot be denied that the *Romans* allow'd more Time for the Party accuſed to prepare himſelf for Anſwer, after he knew the Matter of his Accuſation; and that he had greater liberty as to Counſel and Advice for his Defence, than our Law ſeems to do in the higheſt criminal Cauſes; and if we would judge impartially of our Methods of Trial, we muſt take all together, and not ſingle out ſome Particulars, and leave all the reſt. And we ought not for the ſake of ſome Advantages in the Way of Common Law, to condemn all others as inconſiſtent with our Rights and Liberties.

Aſcon. Ped. 79. Sigon. de Judic. Rom.

I am apt to think that other Northern People were as fond of their own cuſtomary Laws as we can be; but after long Trial they found it convenient to take in the Rules of the Civil Law in many Caſes. And were it not for the Benefit they expected by the uſe of that Law, it is hard to imagine how the ſeveral Northern Nations, after they had caſt off the *Roman Yoke*, ſhould yet at laſt ſubmit in great meaſure to their Laws. It is very well known what Numbers and Varieties of Laws the *Lombards*, and ſeveral ſorts of *Goths*, and other Northern Nations brought

brought into the ſeveral Parts of *Europe*, upon the Decay of the *Roman* Empire; but it is as well known that after long Uſage of their own Cuſtoms, they were glad to take in the Aſſiſtance of the *Roman* Laws.

No People ſeem'd more averſe to any Uſe of the *Civil Law* than the *Goths*, which ſettled in *Spain*; for in the time of *Chindaſwindus* they made an entire Body of Laws for themſelves chiefly out of their old Cuſtoms, and forbad any other. But it is obſervable, (1.) That they took many things out of the Civil Law, and put them into it. (2.) That their Biſhops were allow'd by General Conſent of King and the Eſtates, to make Eccleſiaſtical Laws or Canons at that time; which appears by the *Spaniſh Councils*. (3.) That after all, *Alphonſus* 10. tranſlated the Civil Laws into *Spaniſh*; which, with the Additions of later Times, make up the Common Law of *Spain*, although there be particular Cuſtoms obſerved for Laws in the ſeveral Kingdoms of *Catalonia*, *Navarre* and *Arragon*; becauſe they were not united as Members of the ſame Kingdom, but as ſeveral Kingdoms making up one Body.

L. 1. Wiſigoth. *l.* 2. *Tit.* 1. *c.* 9, 10.

Duc. de Auth. Juris Civil. *l.* 2. *c.* 6. *n.* 14.

Neither the *Goths* nor *Lombards* in *Italy* could wholly extinguiſh the Uſe of the *Roman* Law there. And altho' the Feudal Law were firſt collected there, and put into ſome kind of Order; yet the Author of that Collection confeſſes, that Cauſes were determin'd by the *Roman* Law, as well as by the Feudal Laws and Cuſtoms. And the Reaſon given by learned Men, why the Civil Law came to be in ſo much Requeſt about the 13th Century, was not any Command of *Lotharius*, but the People were willing to have the Rigour of the Feudal Law abated by the Equity and Temper of the *Roman*. For the *Feudal Law* was found to be very ſtrict and ſevere, being intended for keeping the People under a Military Service, (which was the true Reaſon of the ancient Tenures) this by Degrees began to be found very uneaſy to them; and they found no way of Relief in many Caſes from the Rigor of it, but by the Courts of Equity, proceeding by more general Rules, and ſupplying the Defects of thoſe Laws.

Feud. *l.* 2. *tit.* 1.

Lindenbrog. Præfat. ad Cod. Leg. Antiq. Conring. de Orig. Juris German. *c.* 23.

There are ſeveral things which are look'd on as fundamental Maxims of our Common Law, which are nothing but the Effects of the *Rigour* of the *Feudal Law*: As,

1. *That all Land muſt be held of a Superiour Lord*, and ſo there can be no *Allodium*, i. e. Land held free from Dependance on another, which the *Romans* called *Jure Optimo*; as the *Roman* Citizens held theirs.

1 Inſt. 1. 65

2. *That there is no Tenure, but there is ſome Service belonging to it*: Otherwiſe, ſaith my Lord *Coke*, *it would be againſt Reaſon, and the Common Law is nothing but Reaſon*; which it ſeems the *Romans* did not underſtand.

1 Inſt. 97.

3. *That Lands of Inheritance do lineally deſcend, and not aſcend.* And the Common Law being nothing but Reaſon, a very ſubſtantial one is given for this; *becauſe Land is ponderoſum quid*; which, I think, is no peculiar Reaſon to Land in *England*. But the true Reaſon was, it was to go that way, where there was moſt probability of doing the Service.

1 Inſt. 10. *Ratcliff's Caſe*, 40.

4. *That none can be Heir in Fee Simple by the Common Law, but he that is of the whole Blood.* Which was the Rule of the *Feudal Law*, wherever it prevailed.

1 Inſt. 14. Feud. *l.* 2. *c.* 29.

Ripuar. 34. Alem. 56. Burguid. *l.* 1. *tit.* 1. *n.* 7.

These things I only mention, to shew how the *Feudal Law* was here receiv'd in its Rigor, which is what some Men call the *Common Law*, and when they often say, *such a thing is so at the Common Law*, no more is really meant by it, but that it was so according to the *Feudal Customs*, as they were here receiv'd; for they were not in all Places alike. So that here we have two Notions of the Common Law; 1. For the *Saxon Customs* which were generally easy and well-liked. 2. For the *Norman Tenures*, which were much harder, and required a stricter Observance. And this Strictness is suitable to what they call Proceeding at Common Law. And although there were some kinds of Services in the *Saxon times*, yet they were much easier than those brought in by the *Normans*, who put the whole Kingdom into military Service, and added very hard Conditions to it. But by Degrees they obtained a Release from many of them by their *Great Charters*; which reduced things to a Certainty, especially as to Impositions and Trials, as to their Persons and Estates. But yet there was something of Rigour in the common Course of the Law, which called for Equity, and was to be expected only in such Courts as proceeded by the Measures of the *Roman* Laws, as in the Courts of Chancery in matters of Contracts, and a Regard to the Circumstances and Reason of Actions; for the Common Law proceeding upon the Terms of the Feudal Tenures had a Rigidness in the Nature of it, which was found necessary to be abated by Courts of Equity. It hath been warmly debated in our time, how far a *Court of Equity* is any part of our Constitution? Which in other Terms is to enquire, Whether our Nation were governed by the strict *Feudal* Law, or by equitable Constructions, according to the more general Laws and common Reason of Mankind. There is a remarkable Difference between our profound Sages of the Law about this. *Hobart*

Hob. 63. saith positively, *That Courts of Equity are as ancient as the Kingdom it self, and that the Chancery is a Fundamental Court, as well as that of the King's Bench and Common Pleas; for*, saith he, *all Kingdoms in their Constitution are endued with the Power of Justice, both according to the Rule of Law and Equity, both which being in the King as Sovereign, were after settled in several Courts. But Equity being opposite to Regular Law, is a special Trust committed to the King; which he exercises by one whom*

2 Inst. 552. *he appoints for that Office.* But on the other side, *Coke* is as positive, *That there was anciently no other Court in Chancery but of Common Law*, and that *the Chancellor was to administer Justice according to the Common Law*; and that *Equity then was no more than doing Justice*, and that whatever Notion of *Equity* hath been taken up since, is a Novel Invention, and no older than the Differences between the Houses of *York* and *Lancaster*.

Here we find a fundamental Difference between two great Persons of the Law, concerning one of the greatest Courts of the Kingdom. But I must observe that my *Lord Cooke* is not so consistent with himself in

4 Inst. 79. this Matter as the other is. For in another Place he saith, *That Equity is a just Correction of the Law in some Cases*; and that *Robert Paring*, 15 *E.* 1. *was made Lord Chancellor.* What, to administer Justice according to Law in that Court? No; but such *Equity*, as was *a Correction of the Law in some Cases.* How could this be, if this Notion of *Equity* were no older than *H.* 4.? But if it was necessary to have a just *Correction of the Law in some Cases* in Point of *Equity*, then such a Court was founded upon necessary Reason; and then the Common Law cannot

not be the Supreme and Abſolute Rule; for then it were not capable of a *juſt Correction in Point of Equity.* But to ſpeak freely in this matter, I do not think it ſufficiently cleared by either of them. For *Hobart* is in the Right as to the Fundamental Conſtitution, that it implies a Power of doing Juſtice according to the Rules of Law and Equity: But then he doth not ſufficiently clear the Practice as to this Nation; which I think is very capable of being done; for,

(1.) In the *Saxon times* there was certainly a Court of Appeal from the *Rigour* of the Law, and from *falſe Judgments*; which were ſuch as were paſſed in the *Hundred Courts*, before the Eſtabliſhment of the Courts in *Weſtminſter Hall*; which all know, was not before the Time of *E.* 1. This Court of Appeal in Caſes of Equity, was then to the King in his *Court of the Lords*; as appears by the Laws of *Edgar*, *Canutus*, and *Edward the Confeſſor.*

(2.) After the *Norman Conqueſt* there were two Supreme Courts; one relating chiefly to the King's Revenue, which *William* I. brought out of *Normandy*, and had its Name of *Exchequer* from thence; in this the great Officers of State and other Barons ſat; the other was the Supreme Court of Juſtice, commonly called *Curia Regis*, where all greater Cauſes and Matters of Appeal were heard; and the King was not only often preſent, but there judged with his Miniſters and Lords ſitting in Court. This was then the Supreme Court both of Law and Equity.

(3.) After the Courts of Juſtice came to be for ſome time ſettled in *Weſtminſter Hall*, the King would ſtill have the Chancellor to attend his Perſon, with the Judges of the King's Bench. *Artic. ſup. Chart.* c. 5. 28. *E.* 1. This ſeems ſtrange; but my *Lord Coke* ſaith, *That they all were required to attend the King about Matters of Law.* Was there no occaſion for a *juſt Correction of the Law in ſome Caſes then?* And if there were, who ſo proper as the *Chancellor*, who was to moderate the Rigour of Law before that time, as appears by the Verſes of *Thomas* a *Becket's* being Chancellor by *John Sarisburienſis.* While the *Curia Regis* continued, the *Chancellor* had the great Direction in Appeals, as Chief Miniſter in that Court, as the Chief Juſticiary was in the other Court, and ſo Matters of *Equity* came to him, as Matters of Law to the *Chief Juſticiary*; whoſe Place was leſſen'd in its Power in the beginning of *Edw.* I. and after confined to a certain Place, called *the King's Bench.* (The Exchequer ſtill remaining as to the King's Revenue.) And the dividing of theſe Places was the Foundation of the two Courts of *King's Bench* and *Chancery*, as to Law and Equity, and the Supreme Court of Appeal remained in the Houſe of Lords, who ſucceeded the *Curia Regis* in that Point. For a Court of Appeal ſomewhere, is certainly a Part of our Conſtitution; and the King's giving Judgment by the Judgment of his Peers is in *King Edward's* Laws, and was therefore one of our moſt ancient Cuſtoms.

2 Inſt. 552.

Hic eſt qui Regni leges cancellat iniquas, Et mandata pij Principis æqua facit.

(4.) There being diſtinct Courts fixed for Law and Equity, it is no wonder, if they fell into different Methods of Proceedings, according to the Nature of Things. For Matters of Law require a ſtricter Proceeding; and the Oath of the Judges was to proceed ſtrictly, *Secundum Legem & Conſuetudinem Regni*, in the time of *H.* 3. and ſo in *Fleta*, and by this the general Oath, 18. & 20. *E.* 3. hath been interpreted and is ſtill ſo underſtood, as to bind the *Judges at Common Law*, to proceed according to the ſtrict Rules of it. Which is moſt agreeable to the

Annal. Burton. 41. H. 3. Flet. l. 1. c. 17. § 17.

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Conſtitution of thoſe Courts, and the Cuſtom and long continued Courſe of it. But becauſe the Circumſtances of Actions, and the Nature of Contracts and Defect in Forms of Law do often require Relief, where the Common Law doth not give it; therefore, leſt there ſhould be a failure of Juſtice in ſuch Caſes, a Court of Equity, proceeding by other Methods, was neceſſary to be Eſtabliſhed and Continued.

Thus much I thought neceſſary to ſhew, how fatal the Conſequence will be, from ſuch a ſence of *Magna Charta*, as to Trial by Peers neceſſary in all Caſes, for it not only overthrows the Eccleſiaſtical Courts, but all others, which proceed not by the Methods of the Common Law.

Thus much in Anſwer to this great Objection; I now proceed,

II. To ſhew that the Eccleſiaſtical Laws ſtand on the ſame Bottom with other Parts of the Common Law of *England*, and that is Immemorial Cuſtom.

Preface to Rep. *The Common Law of England*, ſaith Sir *John Davis*, *is nothing elſe but the Common Cuſtom of the Realm: and Cuſtom which hath obtained the Force of a Law is always ſaid to be Jus non Scriptum. The Law of En-*

1 Inſt. 344. *gland*, ſaith my Lord Coke, *conſiſts of three Parts.* 1. *Judicial Records.* 2. *Acts of Parliament.* 3. *Cuſtoms grounded upon Reaſon, and time out of*

1 Inſt. 110. 6. *mind.* Elſewhere he divides the Law *into three Triangles*, (he means Angles) and ſaith, *that Cuſtom is one of the main Triangles of the Laws of England.* And in another place, *that the Laws of England conſiſt of three Parts; the Common Law, Cuſtoms, and Acts of Parliament.* By Common Law here he means Judgments at Common Law; for otherwiſe Cuſtoms are owned by him to be part of the Common Law; and in a-

1 Inſt. 11. 6. nother place he makes them to be a Law of *England*, but of a different ſort: For, among the Laws which obtain in *England*, he reckons, *Common Law, Statute Law, and Cuſtoms Reaſonable*, &c. And yet

1 Inſt. 115. 6. in another place he ſaith, *General Cuſtom is part of the Common Law.*

My *Lord Chief Juſtice Hales* in a MS. Diſcourſe of the Laws of *England*, ch. 4. ſpeaks more diſtinctly; for he ſaith, *that there are three Principal Conſtituents of the Laws of* England. *And thoſe are*, (1.) *The common Uſage, and Cuſtom, and Practice of the Kingdom.* (2.) *The Authority of Parliament.* (3.) *Judicial Deciſions of Courts of Juſtice conſonant to one another in the Series and Succeſſion of Time.* Now it cannot be denied, that the Method of Proceeding in the Eccleſiaſtical Courts hath been an *Immemorial Cuſtom*, and *practiſed time out of mind here*; and much longer and more conſtantly than of thoſe *Feudal Cuſtoms* which make ſo great a part of the Common Law. For it is certain that many of thoſe things which paſs for undoubted Parts of the Common Law of *England*, have not had ſuch a conſtant and uninterrupted Cuſtom, which the Eccleſiaſtical Proceedings have had. As (1.) The *Tenures* were not the ſame, after *William* I. that they were in the *Saxon times:* For although there was a ſort of Service due upon *Thane-Lands*; yet it was of a very different Nature from the *Norman Knight-Service.* The *Bocland* then was *Land of Inheritance*, but not under ſuch Reſtrictions, as the *Feudal Tenures* afterwards were. And there was *Bocland* in *Free-Socage* among the *Saxons*; which were *Partible Eſtates*, or *Gavel kind*, where there was a Diviſion as among Equals; but according to the *Feudal Cuſtoms* the Land deſcended to the Eldeſt, who was to do the Service. I cannot find ſufficient Evidence in *Alfred's* Laws,

Laws, *that the Service then carried with it Ward, Marriage and Relief*; but I rather think they came in with the *Norman Tenures*; for they are plain in the ancient *Cuſtomier* of *Normandy*. (2.) Can any one ſay, that there were the ſame Cuſtoms as to Proceedings in Criminal Cauſes, which are allow'd for Law at this Day? Who knows not, that in the *Saxon times* moſt Faults were redeemable by Pecuniary Compenſations? How came the *Common Law* to be ſo much alter'd? It is ſaid, *that Felony was made Capital by* H. 1. My Lord *Cooke* ſaith, *it was done in Parliament*: But I could never find any footſteps of ſuch an Act of Parliament in our Hiſtorians; there might be ſuch which are now loſt. After all, there appears ſome Reaſon to queſtion, whether in the time of *H.* 2. *ordinary Theft* were Capital, for it was left to the Sheriffs Court, and was there ended according to the Cuſtom of the Country; and Indictments of Thefts did continue there, Weſt. 2. *c.* 13. but my *Lord Cooke* ſaith, *the Sheriff had no Juriſdiction in Capital Crimes*. But *Robbery*, and *burning Houſes*, and *open Murder* and *Treaſon* had no *Weregild* among the *Saxons*; theſe things were then accounted *Felonies* at Common Law; but the Notion of it is ſince much inlarged, and yet the Common Law continues the ſame.

1 Inſt. 76. 6. 14. a. Conſuet. Norm. c. 33. 3 Inſt. 43. Glanvil. *l.* 2. *c.* 2. *l.* 14. *c.* 8. 2 Inſt. 32. 387. 4 Inſt. 66.

In the Caſe of *Homicide*, although the Law was that *voluntas reputabatur pro facto*; yet *Cooke* ſaith, *that Will muſt be proved, not by Word or Writing, but by ſome Overt-Act tending to the Execution of his Intent.* But doth this Rule of Common Law hold in Caſe of *Treaſon*? No, he ſaith, *before the Statute* 25 E. 3. *a Declaration of the Intent by Words or Writing was ſufficient*, which he offers to prove from the ancient Books. Which are plain, that if the Deſign or Intention *be well proved*, although the Effect do not follow, the Party is guilty of High Treaſon at Common Law: But the Queſtion ſtill remains about the Proof; what is ſufficient at *Common Law*. For my buſineſs is not to give the Senſe of the Statute, but only to ſhew, that there were then very different Opinions about ſo great a Point as Treaſon; and the uncertainty of the Judges, was the true Reaſon of that famous Act of Parliament, as appears by the *Parliament Rolls* of that Year. Now if the Common Law of *England* be ſo certain and unchangeable a thing, as my *Lord Cooke* often affirms; how came the Judges to be ſo much to ſeek what was *Treaſon at Common Law*; for one would think they ſhould have known this the eaſieſt of any one Point, being a matter of ſo great conſequence; and which they had ſo often Occaſion to give Judgment in. But the firſt Words of the Act are, *Where is divers Opinions have been before this time, in what Caſe Treaſon ſhall be ſaid and in what not.* How came theſe divers Opinions in ſuch a Point of Common Law? But my Lord *Cooke* takes no notice of this, but only ſaith, *that the Law is for the moſt part Declaratory of the ancient Law.* How came the ancient Law to beget ſuch different Opinions, as to need ſuch a Declaration? And yet even his Declaratory Act hath not cleared the Doubts as to the Proof at Common Law. For he ſaith, *that before Declaring by Words or Writing the inward Intention, was ſufficient Overture by Common Law.* And again, *by all which is manifeſt, that Compaſſing, Machinating, Counſelling*, &c. *to kill the King, though it hath no other Declaration but by Words, was High Treaſon at Common Law.* But is the *Common Law* alter'd as to this or not by this Statute? It ſaith, *the Perſon muſt be proveably attainted of the Overt-Act.* But it doth not clear the meaning of an *Overt-Act*. He ſaith, *it is an open Act which muſt be manifeſtly proved.* This

3 Inſt. 5. 6. 161. Bract 3. 3. Brit. 18. Merc. 21. Flet. 1. 21. 4 Inſt. 5. 6. *f.* 12.

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is not clearing the Point at all : For what is *an open Act* in this Case ? Not every Act which can be proved, but such an Act as manifestly proves the Intention. And after all, he confesses, that *bare Words cannot do it without an Overt-Act* ; by which he seems to distinstuish Words from an *Overt-Act* ; but he adds, *that if the Words be set down in writing by the Delinquent himself, this is a sufficient Overt Act within this Statute.* But how come Words not to be sufficient without *an Overt Act* ; and yet, when those Words come to be written they become *an Overt Act ?* The Words written are not the Overt Act, but the bare writing must make them so, or else they are no more an *Overt Act* than they were before, so that the Alteration of the Law, as to this matter, comes at last to this, that before the Act, *the manifesting the Intention by Words or Writing was sufficient* ; but since Words when they are spoken are no Overt Acts, but if those Words be written by the Party, then they become an Overt Act : But how far this is Law or not, I take not upon me to determine.

I only mention these things to shew, that there are several Material Points relating to the Common Law and Custom, which are not so clear and satisfactory to all that enquire into them. And therefore, if there be any Difficulties started, as to the Ecclesiastical Laws, there is no Reason from thence to Reject them from being any Part of our Laws.

But it may be others will Object, *that a meer Immemorial Custom is no sufficient Ground for Laws without Acts of Parliament to confirm them.* I cannot imagine that any who pretend to understand the Common Law of *England* in any measure can make such an Objection ; but if they do, I need but to refer them to the Acts of Parliament already mention'd, which own and allow *the Ecclesiastical Laws. But how comes an Immemorial Custom to make a Law, since Time hath no Operation of it self on Moral Things* ; *therefore a Legislative Power must be supposed, or else a Custom cannot pass into a Law.*

To this I answer, that there are two ways of making Things *to pass into Laws.* 1. By the Express Act of those who have the Power to make Laws. 2. By the Tacit Consent of those who are to make Laws and to keep them. And thus, those Things which are not passed at first, by such who have the Legislative Power in them, may by a general Consent become part of our Laws. As the *Feudal Customs* which had their Rise abroad are become part of the Common Law of *England* ; not by Acts of Parliament, but by a general Reception of them. And thus several Canons made out of our Land may become part of the Law of it ; not by Virtue of that Foreign Power, but by their being so long Receiv'd and allow'd to pass for Law among us. And so it is expressed in the Act of Parliament in these Words, 25 *H.* 8. 21. " For, where this your Realm recognizing no " Superiour under God, hath been, and is free from Subjection to any " Man's Laws, but only to such as have been devised, made and ob- " tained within this Realm for the Wealth of the same ; or to such " other, as by Sufferance of your Grace, and Progenitors the People of " this your Realm, have taken at their free Liberty by their own Con- " sent, to be used among them ; and have bound themselves by long " Use and Custom to the Observance of the same, not as to the Obser- " vance of the Laws of any Foreign Prince, Potentate or Prelate, but " as to the Customed and Ancient Laws of this Realm ; originally E-

" stablished

" ſtabliſhed as Laws of the ſame by the ſaid Sufferance, Conſents and ' Cuſtom, and none otherwiſe. Here we have three ſorts of Laws; (1.) Laws of the Realm made by our Kings, with Conſent and at the Deſire of the People. (2.) Foreign Laws made by ſuch Power as we have no Reaſon to ſubmit to. (3.) Foreign Rules, which are not Laws by the Authority which paſſed them, but by a general Conſent both of King and People in receiving them; and ſo they become Laws, not by the meer Acceptance of the People, nor by the bare Will of the Prince, but by a general Conſent of all thoſe who are concerned in the paſſing of Laws. So that whatever Canons were anciently made by Provincial Councils at home, and received by a general Conſent; or ſuch which have paſſed abroad, but have been here received, not by Virtue of Foreign Power, but by free Conſent, they do make up the more ancient part of the Eccleſiaſtical Laws of this Realm. And ſo, as my *Lord Chief Juſtice Hales* hath well obſerved, Uſe and Cuſtom among us generally receiv d doth *obtinere vim Legis*; and this is that which gives Power, ſometimes to the Canon Law, as in Eccleſiaſtical Courts; ſometimes to the Civil, as in the Admiral's Courts; and again controlls both, when they croſs other Cuſtoms which are receiv'd in this Kingdom. *MS. Hiſtory and Analyſis of the Common Law.*

And in another Place he expreſſes his Mind more fully as to this matter, *ch.* 2. He divides the Law of the Land into *Written Law*, or Acts of Parliament, and *Unwritten Law*; under which he comprehends,

1. The Common Law, according to its uſual Acceptation, *viz.* that by which Proceedings and Determinations in the King's ordinary Courts of Juſtice are directed and guided.

2. Thoſe particular Laws which are applicable to particular Matters and Courts; by which he means the *Laws Eccleſiaſtical and Civil*, which although they be written Laws, yet he reckons them as unwritten, becauſe they lay no Obligation on us here, but as they are received and admitted in this Kingdom, either by Conſent of Parliament, or by immemorial Uſage and Acceptation in ſome particular Courts, Caſes and Matters, and no otherwiſe.

And after, treating of the *Eccleſiaſtical Courts*, he ſaith, They are either ſuch as were derived immediately from the King's Authority by Commiſſion, as the Court of High Commiſſion, *&c.* (2.) Such as were not ſo derived, but the Law of *England* had annexed to certain Offices Eccleſiaſtical Juriſdiction as incident to them: Thus every Biſhop, by his Election and Confirmation, even before Conſecration, had Eccleſiaſtical Juriſdiction annexed to his Office, as *Judex Ordinarius* within his Dioceſe; and divers Abbots anciently, and moſt Arch-deacons at this Day, by Uſage, had the like Juriſdiction within certain Limits and Precincts.

But he adds, that although the ordinary Juriſdiction of the Biſhop is annexed to his Office, yet in *foro exteriori* it is derived from the Crown of *England*.

And although, ſaith he, the Proceſs runs in the Name, and under the Seal of the Biſhops, yet that is no Impediment but that their Juriſdiction is derived from the Crown; for till the Statute 27 *H.* 8. the Proceſs in Counties Palatine run in the Names of the Counts Palatine, yet no Man ever doubted but the Palatine Juriſdiction was derived from the Crown.

1 Inst.344. *The Ecclesiastical Laws*, saith my Lord Chief Justice *Coke*, *are those which are allow'd by the Laws of the Realm*, viz. *which are not against the Common Law (whereof the King's Prerogative is a principal part) nor against the Statutes and Customs of the Realm, and regularly according to such Ecclesiastical Laws, the Ordinary and other Ecclesiastical Judges do proceed in Causes within their Conusance; and this Jurisdiction was so bounded by the ancient Common Laws of the Realm, and so declared by* 1 Inst. 11. *Act of Parliament.* And in other Places he owns *the Ecclesiastical Juris-* 4 Inst.321. *diction and Laws*; but still saith, *that they are bounded by the Laws of the Realm.* Of which there is no Question. *Of Jurisdictions*, saith Proem. to 4 Inst. he in his Preface to 4 *Inst. some be Ecclesiastical, and some Civil and Temporal. Of both these, some be Primitive or Ordinary; some derivate or de-* 1 Inst. 96. *legate by Commission. For deciding Controversies, and for distribution of Justice within this Realm, there be*, saith he in another place, *two distinct Jurisdictions; the one Ecclesiastical, limited to certain Spiritual and Particular Cases; the other Secular and General, for that it is guided by the Common and General Law of the Kingdom.*

4 Inst.321. But doth he not say, *That those who have Spiritual Jurisdiction, as Arch-bishops, Bishops, Deans*, &c. *are the King's Judges within his Realm, and that this may be proved from our Books?*

Who goes about to deny this? For as Judge *Hales* said, in *Foro Exteriori* the Ecclesiastical Jurisdiction is derived from the Crown; and therefore they may be properly enough called *the King's Judges.* But he doth not say, the Kings, as such, have Ecclesiastical Jurisdiction, which he never thought. For saith he, *of what things the Clergy have Jurisdiction, is evident in our Books, whereof there is no Question. And certain it is that this Kingdom hath been best governed, and Peace and Quiet best preserved when both Parties*, i. e. *when the Justice of the Temporal Courts and the Ecclesiastical Judges have kept themselves within their proper Jurisdiction, without incroaching or usurping one upon another.*

Did not the Bishops before the Reformation derive their Spiritual Jurisdiction from the Pope? How then could my Lord Coke *prove by good Authority from the old Books, that they were the King's Judges?*

I answer that the Jurisdiction then was two-fold.

1. *Delegate* and *Extraordinary*, which they had by particular Commission, and this they had from the Pope, whom they look'd on as *Supreme Ordinary*; and therefore he might in particular Cases be the Fountain of Jurisdiction to them.

2. *Ordinary* and *Common*; and this had by virtue of their Office, and was not derived from the Pope, but annexed to their Office by the Law of the Land as to *Exteriour Jurisdiction*; and therefore, on that Account, they might even then be look'd on as *the King's Judges. But in matters of Ordinary Jurisdiction, if they exceed their Bounds, they are said to offend against the Crown and Royal Dignity, when they draw things* ad aliud examen, *therefore only the Temporal Jurisdiction is by our Law, derived from the Crown.* In the *Bishop's Ordinary Jurisdiction*, these things are to be distinguished. 1. The Original Right belonging to his Office; which we do not pretend to be derived from the Crown, but from the Fountain of Spiritual Jurisdiction, the Founder and Head of the Church. 2. The Authority to execute such a Jurisdiction within the Realm, and the Rules and Measures of doing it; and this is derived from the Laws of the Land; which have given such Authority, and fixed those Bounds; and therefore to transgress them is an Offence against the Crown and Royal Dignity.

Did

Did not the Kings of this Realm, in the very Forms of Prohibitions, challenge only Temporal Cauſes as belonging to their Crown and Dignity? How then could the Judges in Eccleſiaſtical Cauſes derive their Juriſdiction from the Crown?

The *King's Crown* and *Royal Dignity* may be conſider'd two ways. 1. As to what was of Right belonging to it; and ſo all external Juriſdiction doth. 2. As in Fact our Kings had limited their own juſt Authority, and given too much leave to the Pope to uſurp upon them. And this being inconſiſtent with the inherent Rights of the Crown, the Pope's uſurped Power was juſtly caſt off, and then the ancient Right returned. And it is to be obſerved, that the main Encroachments and Uſurpations of the Popes were in Points of extraordinary Juriſdiction; as in Caſes of Diſpenſations, Commendams, Proviſions, Appeals, *&c.* But even theſe were not carried without many Rubs and Difficulties by the Laws of the Land, as appears by the Statutes of *Proviſors* and *Præmunire*, which were no more than neceſſary. For after the Popes came to *Avignon*, they were more greedy than when they enjoy'd the Profits of the whole See of *Rome*, and were farther from *England*. They then bethought themſelves of a *new Invention*, which was very profitable to them. Being *Spiritual Head* of the Church, was a thing of great Sound, but of little Advantage; but the new Device was, to make themſelves a kind of *Feudal Lords* over the Benefices of the Church. For they found that the old *Fees* were called *Beneficia*; and ſo they made a pretty artificial Turn of the Churches *Benefices* into *Eccleſiaſtical Fees* held of the Pope as Chief Lord. *Boniface* 8. in the time of *E.* 1. firſt ſtarted the Doctrine of the *Pope's Univerſal and Abſolute Dominion in Beneficiary Matters*, but he was vehemently oppoſed. But his Succeſſors meeting with fairer Opportunities, and being upon better Terms with Princes, by Degrees ſet up and exerciſed this kind of Feudal Authority in Benefices. And as the conſequence of this Doctrine, the Pope challenged *the Firſt Fruits*, as a Year's Profits on the *Beneficiary Fee* to the chief Lord. This was demanded here in *England* then; but the Parliament at *Carliſle* put it into their Complaints as a *thing before unheard of*, and therefore forbad the Pope's Officers to gather them, 35 *E.* 1. And ſo this Buſineſs fell for the preſent; but after the Popes came to *Avignon*, they inſiſted more ſtrictly upon the Payment of *Annates*, or *Firſt Fruits*. *John* 22. owned the Demand, and goes about to defend it from their preſent Neceſſities; but to ſhew their Moderation, he ſaith, *That they took but one Year's Profits at a reaſonable Valuation*, as appears by the Bull it ſelf, which only mentions a Moiety of the firſt Year's Profits, where the Taxation was not deliver'd into the Pope's Exchequer before.

Petr. de Marca de Concord, *&c. l.* 6. *c.* 12. *n.* 11.

Extr. Com. de Præbend. & Dignit. *c. cum nonnul.*

Fagnanus, a late Canoniſt, ſaith, that the full value was never exacted by the Pope; but the Taxation of *Boniface* is follow'd at *Rome*. But *Platina* ſaith, his Demand of Firſt Fruits was rejected in *England*, except only for Biſhopricks and Abbies; and *Fagnanus* confeſſes, *That the inferiour Clergy did not here pay that Moiety.* But the Pope ſtill inſiſted on the *Firſt Fruits* as their due, according to ſuch a Taxation as was then receiv'd; but even that would not go down with the Councils of that time. In the Council of *Vienne*, it was propoſed, *That the Pope ſhould have a twentieth part in lieu of them*; but they were then afraid both would have been put upon them, for then the *Firſt Fruits* were a diſcharge from any Payments afterwards, the Rule being *Impoſitis*

Fagnan. in *l.* 5. Decret. *part.* 1. *p.* 190.

Con.Conſt. *Seſſ.* 43. *ſitis Annatis Decimæ abolentur.* In the Council of *Conſtance*, *Tenths* were abſolutely forbidden; but the *Annats* were kept up as far as the Pope's Power prevailed, notwithſtanding that the *Council* of *Baſil* and the *Pragmatick Sanction* had condemned them. *Pius* II. publiſhed a Bull to deprive Perſons of their Benefices who did not pay their *Annats*; and it appears by his Epiſtle to *Meyerus*, they made them pay them at *Rome* before Poſſeſſion. Here in *England* they went down very hardly, as appears by the Complaints in Parliament about them, 25 *E.* 3. *c.* 1. 47 *E.* 3. 51 *E.* 3. 4 *R.* 2. 6 *R.* 2. 10 *R.* 2. 6 *H.* 4. 1. But after all, the Pope's Intereſt prevailed, and *Firſt Fruits* and *Tenths* were both paid, until, for better Reaſon, they were ſettled on the Crown, in the ſame Manner as they had been paid before, as appears by the Statute 1 *Eliz. c.* 4. *n.* 22. where the ſame *Eſtate*, *Title and Quantity* is mention'd, which was ſettled on *H.* 8. When the Popes would have raiſed them above the accuſtomed Payment, the Parliament would not hear of it, 6 *H.* 4. *c.* 1. For they look'd on the Payment but as an Acknowledgment, and not as any valuable Conſideration; and therefore ought not to be ſtretched to the full Value. By the Statute Weſt. *Quia Emptores terrarum*, Payment was to be made *Secundum Quantitatem*: In *Marſh and Jones* his Caſe, the Queſtion was, whether it was the value at that time, or the improved value ſince, and it was reſolved that it was to be taken as at that time. And ſo 17 *E.* 2. the King was to have a Year's value of the Tenants *in Capite* at firſt Admiſſion; but it turned to a cuſtomary Payment, and not at the full value. But this was not all the Advantage the Popes challenged by this *new Device*; for *Benedict* 12. who ſucceeded *John* 22. at *Avignon* by his Bull, *A. D.* 1335. makes a Reſervation to himſelf, among many other Preferments, of all ſuch as ſhould be void by Promotion; which, as the Canoniſts tell us, was then look'd on as only the Change of a Life in a *Feudal Eſtate*, of which the Lord of the Mannor may expect an Advantage, becauſe he promotes the Perſon whom the Patron had preſented. But becauſe the Pope had a Power of diſpenſing with the Canons, which made one Benefice void by accepting another, therefore when he pleaſed he prevented the Avoidance, upon a Promotion by a Diſpenſation before-hand; and ſo it paſſed into a *Commendam*, as it was then called. And by his abſolute Power he gave away the beſt Preferments before they were void, which was called by *Proviſion*. Theſe things were often complained of, and many Acts of Parliament were made againſt them, which were very little regarded, for the Pope went on, and exerciſed this extravagant Power as he thought fit. But ſometimes they met with Rubs in Point of Law, as in the Caſe of the Biſhop of St. *David*'s, 11 *H.* 4. where the main Point urged againſt the Pope's Power was, that it overthrew the Law of the Land, which voids a Benefice upon Conſecration. No, ſaid the other ſide, here is no Avoidance, for the Pope prevented it by a Diſpenſation before-hand. But in the Biſhop of *Wincheſter*'s Caſe, 4 *H.* 6. the Diſpenſation coming too late, his Biſhoprick was declared void by accepting the Cardinalſhip before it. But the Practice of theſe things continued till *H.* 8. reſtored the ancient Rights of the Crown, by caſting off the Pope's Uſurped Power; by the Statutes made 25 *H.* 8. wherein the King is declared Supreme Head of the Church. But a Doubt ſtill remained about ſuch Privileges which the Pope had challenged as Head of the Church, and been in quiet Poſſeſſion of, as particularly *Firſt Fruits* and *Tenths*; and theſe being no

Leonard C. 163. 114.

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ancient Right of the Crown were ſettled upon the King by Act of Parliament 26 *H.* 8. 3. And the Power of Diſpenſation in ſeveral Caſes; 25 *H.* 8. 21. 28 H. 8.

But ſtill there remained ſome Perquiſites of the Head of the Church, which were not provided for by theſe Statutes as beſtowing Benefices by Right of Promotion, granting Commendams, giving Commiſſions of Review, *&c.* As to theſe, there is nothing expreſsly mention'd; but by the Statute 26. *H.* 8. 1. it is enacted, that the King ſhall have and enjoy, annexed and united to the Imperial Crown of this Realm, as well the Stile and Title of Supreme Head of the Church of *England*, as all Honours, Dignities, Preeminences, Juriſdictions, Privileges, Authorities, Immunities, Profits and Commodities to the ſaid Dignity of Supreme Head of the ſame Church belonging and appertaining. Now the Queſtion is, what is underſtood by all theſe Words; Whether only ſuch things which of Right belong to the Crown; and theſe were already Reſtored by his being Recognized as Head of the Church; or whether ſuch other Privileges and Commodities, as the Pope had peaceably and actually Enjoy'd as Head of the Church? which ſeems the more probable Opinion, becauſe the Crown hath ſince Enjoy'd the ſame Privileges as to Right of Promotion, Commendams and Commiſſions of Review; which ſhews that they were then ſo underſtood, and have continued ever ſince; although there have been ſome, who have been unſatisfied about them; but their Authority is of no Weight, compared with the General Opinion and Practice ſince the time of making theſe Statutes.

It is another Point, whether the Kings of *England* had not theſe Privileges of Right before; and ſome Authorities are produced to prove it, but it cannot be denied that the General Practice and the Prevailing Opinion had been otherwiſe; and there was not ſo great Evidence, as to overthrow the Pope's Uſurpations from the Contrary Cuſtom; therefore the cleareſt Reſolution as to theſe Matters is, that they are Eſtabliſhed in the Crown by the Statute, 26 *H.* 8. 1. and the conſequent Practice, even in the time of *H.* 8. and ſo continued to this Day.

There are two things ſaid by *Coke* upon theſe Matters which ought not to be paſſed over.

(1.) *That it is apparent by many Authorities, that the King* (before the Reformation) *had no ſuch Prerogative, as to Preſent in Right of Promotion*; but that he did it on the Account of the Temporalties being in his Hands; or on the Account of Wardſhip, *&c.* 4 Inſt. 357.

(2.) That in the Caſe of the Commiſſion of Review, he ſaith, *that ſuch Authority as the Pope had claiming as Supreme Head, doth of Right belong to the Crown, and is annexed thereunto by the Statutes*, 26 H. 8. 1. & 1 *Eliz.* 1. *and ſo it was Reſolved in the King's Bench* 39 Eliz. *after a ſolemn Debate in* Holingworth's Caſe. 4 Inſt. 341.

Thus I have endeavour'd to clear, as well as I could, the Nature of the Eccleſiaſtical Juriſdiction among us, and the Laws on which it is founded.

OF

OF THE

Eccleſiaſtical Juriſdiction

With Reſpect to the

LEGAL SUPREMACY.

AN

ADVERTISEMENT.

THIS *Diſcourſe concerning the* Illegality *of the late* Eccleſiaſtical Commiſſion, *was written when the Author of it was ſummoned to appear before it; and was in continual Expectation of undergoing its Cenſure, for not complying with the Orders of it. This put him upon an Enquiry into the Grounds on which it ſtood.*

From whence he proceeded to ſearch into the True Notion *of the* Legal Supremacy; *and finding it very imperfectly ſet down in the famous* Fifth Report, De Jure Regis Eccleſiaſtico, *he took the Pains to Examine it through every Reign, there mentioned; and upon the whole Matter he finds him and his Adverſary* F. P. *equally miſtaken. But in the Management of it he hath rather endeavoured to give Light to the Thing, than to diſcover any Man's Errors. And it is hardly poſſible to ſettle the* Notion *of it aright without conſidering the* Practice *of other Countries, as well as our own: Of both which the Reader will find a ſhort but impartial Account; which I believe the Author could more eaſily have inlarged, than have brought it into ſo narrow a Compaſs.*

By this, I hope the World will ſee, That it was not Humour *or* Faction, *but a real and well grounded* Diſſatisfaction, *which made thoſe of the* Church *of* England *oppoſe the* Proceedings *of that Time; and that ſuch have as great and real a Zeal for the* Ancient *and* Legal Conſtitution *of our Government, as thoſe who make a greater* Noiſe *and* Clamour *about it; and that, not upon any new* Notions *or* Phraſes, *but upon the very ſame Grounds which our Anceſtors made uſe of; and carry in them the true* Baſis *of our* Engliſh *Government. It is poſſible ſome worthy Men may have carried ſome Notions beyond our* Legal Conſtitution; *but the more they ſearch into it, the better Opinion they will have of it. Which, I think, is ſo well ſettled, that every* Deviation *from it tends to our Ruin.*

As to the Diſpenſing Power, *the Author hath inlarged that Part, ſince ſome late Diſcourſes have been publiſhed, both for and againſt it. He hath neglected nothing which hath been moſt plauſibly pleaded for it; but hath given a full Anſwer to the moſt material Inſtances which have been inſiſted on, in behalf of it. And after all, I cannot but conclude, That the* Diſpenſing Power *is a kind of* Mental Reſervation, *which quite alters the Meaning and Deſign of a Law.*

When

When the late Eccleſiaſtical Commiſſion *was* ſuperſeded (*if not* diſſolved) *the Author laid by theſe Papers as Uſeleſs, but having communicated them to one particular Friend,* (*whoſe* Judgment *and* Authority *he had a great Regard to*) *he hath been prevailed with by him, to make them Publick at this Time: It being ſtill neceſſary to ſhew, with what Juſtice and Reaſon, we refuſed to own the* Juriſdiction *of it. And it ſeems to me as hard to reconcile it to our Laws as* Liberty *of* Conſcience *to the Principles of* Popery, *or the* Worſhip *of* Images *to the* Second Commandment.

1689.

DISCOURSE II.

CHAP. I.

The State of the Queſtion concerning the Court of the late Eccleſiaſtical Commiſſion.

The Caſe ſtands thus,

BY the *Act* of 1 *Eliz.* 1. it was *eſtabliſhed and enacted, That ſuch Juriſdictions, Privileges, Superiorities and Preheminencies, Spiritual and Eccleſiaſtical, as by any Spiritual or Eccleſiaſtical Power or Authority, have heretofore been or may lawfully be exerciſed or uſed for the Viſitation of the Eccleſiaſtical State and Perſons, and for Reformation, Order and Correction of the ſame, and of all manner of Errors, Hereſies, Schiſms, Abuſes, Offences, Contempts and Enormities, ſhall for ever by this preſent Parliament, be United and Annexed to the Imperial Crown of this Realm.*

And that the Kings and Queens of this Realm ſhall have full Power and Authority by virtue of this Act by Letters Patents under the great Seal of England, *to Aſſign, Name and Authorize, when, and as often as they ſhall think meet and convenient, and for ſuch and ſo long time as they ſhall think meet to exerciſe, uſe, occupy and execute all manner of Juriſdictions, Privileges and Preheminences in any wiſe, touching or concerning any Spiritual or Eccleſiaſtical Juriſdiction within theſe Realms; and to viſit, reform, redreſs, order, correct and amend all ſuch Errors, Hereſies, Schiſms, Abuſes, Offences, Contempts and Enormities whatſoever, which by any manner of Spiritual or Eccleſiaſtical Power, Authority or Juriſdiction, can or may lawfully be reformed, ordered, redreſſed, corrected, reſtrained or amended to the Pleaſure of Almighty God, the increaſe of Virtue, and the conſervation of the Peace and Unity of this Realm: And that ſuch Perſon and Perſons ſo to be Named, Authorized and appointed after the ſaid Letters Patents to him or them made and delivered, ſhall have full Power and Authority, by Virtue of this Act, and of the ſaid Letters Patents to exerciſe, uſe and execute all the Premiſes, according to the Tenour and Effect of the ſaid Letters Patents, any Matter or Cauſe to the contrary, in any wiſe, notwithſtanding.*

But

But in the *Act* 17 *Car.* 1. *c.* 11. after the recital of this latter Clauſe, theſe Words follow, *And whereas by colour of ſome Words in the aforeſaid Branch of the ſaid Act, whereby Commiſſioners are Authorized to execute their Commiſſion, according to the Tenour and Effect of the King's Letters Patents, and by Letters Patents grounded thereupon the ſaid Commiſſioners have, to the great and unſufferable Wrong and Oppreſſion of the King's Subjects, uſed to fine and impriſon them, and to exerciſe Authority not belonging to Eccleſiaſtical Juriſdiction reſtored by that Act; and divers other great Miſchiefs and Inconveniencies have alſo enſued to the King's Subjects by occaſion of the ſaid Branch and Commiſſions iſſued thereupon, and the Executions thereof; therefore for the Repreſſing and Preventing of the aforeſaid Abuſes, Miſchiefs and Inconveniencies in time to come, Be it enacted by the King's Moſt Excellent Majeſty, and the Lords and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the aforeſaid Branch, Clauſe, Article or Sentence ſhall from henceforth be repealed, annulled, revoked, annihilated and made void for ever, any thing in the ſaid Act to the contrary, in any wiſe, notwithſtanding.*

Then after a Clauſe relating to *ordinary Juriſdiction*, repealed 13 *Car.* 2: c. 12. the Act concludes thus, *And be it further Enacted, That from and after the ſaid firſt Day of Auguſt, no new Court ſhall be erected, ordained or appointed within this Realm of* England, *or Dominion of* Wales, *which ſhall or may have the like Power, Juriſdiction or Authority, as the ſaid High Commiſſion Court now hath or pretendeth to have, but that all and every ſuch Letters Patents, Commiſſions and Grants made or to be made by his Majeſty, his Heirs and Succeſſors; and all Powers and Authorities granted or pretended, or mentioned to be granted thereby, and all Acts, Sentences and Decrees to be made by virtue or colour thereof, ſhall be utterly void and of none effect.*

By the *Act*, 13 *Car.* 2. *c.* 12. This Repeal ſtands good in the firſt Proviſo; and in the ſecond Clauſe, where that which concerns *ordinary Juriſdiction*, is repealed, an Exception is put in, in theſe Words, *Excepting what concerns the High-Commiſſion-Court or the new erecting ſome ſuch like Court by Commiſſion.*

The Caſe which ariſes from hence, is, Whether theſe Acts of Parliament only take away the Power of *Fining* and *Impriſoning*, from any *Eccleſiaſtical Commiſſion* granted by the King; ſo that notwithſtanding theſe Repeals, the King may ſtill conſtitute a *Commiſſion* proceeding by *Eccleſiaſtical Cenſures*: And for the ſame Ends which are expreſly mentioned in the Statute repealed, *viz. To exerciſe, uſe, occupy and execute all manner of Juriſdictions, Privileges and Prehemineneces, in any wiſe touching or concerning any Spiritual or Eccleſiaſtical Juriſdiction within this Realm of* England, *and Dominion of* Wales, *and to viſit, reform, order, correct and amend all Abuſes, Offences, Contempts and Enormities whatſoever, which by the Spiritual and Eccleſiaſtical Law of this Realm, can or may lawfully be reformed, ordered, redreſſed, corrected, reſtrained, or amended, to the Pleaſure of Almighty God, the Increaſe of Vertue, and the Conſervation of the Peace and Unity of this Realm.* Theſe are the *Powers* of the preſent *Commiſſion*, and are the ſame which are mentioned in the Act of *Repeal*, 17 *Car.* 1. *c.* 11. only *Errors, Hereſies and Schiſms*, being left out.

It cannot be denied, That the *Power* of *Fining and Impriſoning*, is moſt expreſly taken away, and that is aſſigned as one Reaſon and Occaſion

sion of repealing the Clause of 1 *Eliz.* 1. which establishes the Court; but I cannot be satisfied, that this was all that was intended by the Act 17 *Car.* 1. *c.* 11. And that for these Reasons:

1. If no more had been intended, then it had been sufficient to have destroyed the *Letters Patents*, by which the Power of *Fining and Imprisoning* was granted, without mentioning the *Act* of *Parliament*, which gives no such Power. But the Act of *Repeal*, 17 *Car.* 1. *c.* 12. begins with the *Act* of *Parliament*: *Whereas in the Parliament holden in the first Year of Queen* Eliz. *there was an Act made and established*, &c. *In which Act, among other things, there is contained one Clause, Branch, Article or Sentence, whereby it was enacted to this Effect*, &c. Then follows all the enacting Clause; and after it, the *Abuses* of the Power by the *Letters Patents* are reckoned up, *viz. Fining and Imprisoning, and other great Mischiefs and Inconveniences:* Therefore, *for the repressing and preventing of them*, not merely *the Power to fine and imprison*, but the whole Clause, and all things contained in it, are from thenceforth *repealed, annulled, revoked, annihilated, and utterly made void for ever.* What need all this, if no more were designed than to take away the *Power of Fining and Imprisoning.*

It is plausibly argued by the Lord *Coke*, *That the Power to Fine and Imprison was not agreeable to the Design of the Act.* 1. *Because the Title of it is, An Act restoring to the Crown the ancient Jurisdiction; but the ancient Jurisdiction Ecclesiastical had not a Power to Fine and Imprison, but proceeded only by Ecclesiastical Censures.* 2. *Because the Power to reform, order and correct all Errors, Heresies*, &c. *was to be such as may be lawfully reformed, corrected, restrained or amended by any Manner of Spiritual, Ecclesiastical Power, Authority or Jurisdiction, which did not extend to Fine and Imprisonment.* 3. *The Tenor of the Letters Patents was to exercise, use and execute all the Premises. Since therefore the Premises go no farther than Ecclesiastical Jurisdiction, the Letters Patents could give no such Power, being in pursuance of the Act. But it is agreed,* saith he, *That before this Act no Man could be punished by Fine and Imprisonment by any Ecclesiastical Power, unless it were by force of some Act of Parliament.* But because the Act saith, *They are to use and execute all the Premises according to the Tenor and Effect of the Letters Patents.* Others have thought, That *the Power to Fine and Imprison* being within the *Letters Patents*, the *Act of Parliament* did bear them out in pursuing what was in the Tenor of them. 4 Inst. f. 325.

But in my Opinion, this Matter ought to be a little further cleared; and therefore we must distinguish between the *Original Commission*, and the *Supplemental Power*, added to enforce it. The *Original Commission* extended no farther than *Ecclesiastical Jurisdiction*, as is plain from the reading of the *Statute*; and that of it self could go no further than *Ecclesiastical Censure.* But because of the Circumstance of that Time, when (as the Lord *Hobart*, in a MS. Discourse of the *High Commission*, observes) *The Persons most concerned did slight the Ecclesiastical Censures*; therefore it was thought necessary, in the *Letters Patents*, to grant them a new *Commission* to enforce the former, and that extended to *Fine and Imprisonment*; for in the *High Commission* for the Province of *York*, (which is preserved) distinct *Powers* are granted, which are not in the *Act.* For whereas the *Act* goes no further than the *Ecclesiastical Jurisdiction*, the *Commission* gives them Power to proceed after another manner than by *Ecclesiastical Censures*; for the Words are, *Con-* In Biblioth. Cotton.

tumaces autem & Rebelles, ſi quos invenerint, tam per Cenſuras Eccleſiaſticas, quam Perſonarum apprehenſionem, & Incarcerationem, &c. *ac quæcunque alia Juris Regni noſtri Remedia compeſcendum*, &c. Here we ſee plainly a Conjunction of the *Power* of *Common Law* added to that of the *High Commiſſion*, by virtue of the *Act* of *Parliament*, and ſo in all probability it was in the *Letters Patents* for the *High Commiſſion* in this *Province*, which bore equal Date with the former.

And although the Date of the *High Commiſſion* was before the *Depriving of the Biſhops*, 1 Eliz. Yet I ſee no ground for my Lord *Coke*'s Aſſertion, which the Defendant takes for granted, *p.* 13. That *this Commiſſion was firſt granted for depriving the Popiſh Biſhops, and that about Twenty were deprived by it*; whereas in Fact, there were but Fourteen deprived, and that for not doing what they had done before in *Henry* the 8th's Time, *viz. for refuſing to take the Oath of Supremacy, which they had all taken in the time of* H. 8. And as far as I can learn, they were not deprived by the *High Commiſſion*, but by a particular *Commiſſion* for that purpoſe, as appears by the beſt Account we have of it in the *Hiſtorians* who lived neareſt the time. *In the Month of* July, *ſays* Stow, *the old Biſhops of* England *then living were called and examined by certain of the Queen's Majeſty's Council, where the Biſhops of* York, Ely, *and* London, *with others, to the Number of Thirteen or Fourteen, for refuſing to take the Oath touching the Queen's Supremacy, and other Articles, were deprived from their Biſhopricks.* What he means by the *other Articles*, I know not; for there ſeem to be no other at that time for which they could be deprived by Law, but refuſing *the Oath of Supremacy*, (and ſo much *Saunders* himſelf owns) for the other faults were not puniſhable with deprivation. The Biſhops being deprived by a ſpecial *Commiſſion* of the Council, *then*, ſaith *Stow*, *Commiſſioners were appointed for all* England: *For* London, *Sir* Richard Sackvile, *Dr.* Horn, *Dr.* Huick *and Mr.* Savage, *who called before them divers Perſons of every Pariſh, and ſwore them to enquire and preſent upon certain Injunctions.* With him *Hollingſhead* agrees, only adding, *That theſe Commiſſioners were ſent according to an Act paſſed, and confirmed laſt Parliament.*

Sand. de Schiſ. 4. 157.

This was the Act for the *High Commiſſion*, which then extended to particular Pariſhes, with ſuch Powers of the Common Law as are already mentioned, but are not of the *Eſſence* of the *Commiſſion* according to the Act of Parliament, and therefore the taking away thoſe additional Powers doth not deſtroy the *High Commiſſion*, but the repealing the *Act of Parliament*, on which it was built, takes away any ſuch Court-Proceeding by Eccleſiaſtical Cenſures.

To make this more plain by a Parallel Inſtance: The Court of *Star-Chamber* was taken away at the ſame time the *High Commiſſion* was, and both determined the ſame day, 17 *Car.* 1. *Ang.* 1.

This Court was erected for *extraordinary Civil Juriſdiction*, as the *High Commiſſion* was for *Spiritual*; but by the Act 17 *Car.* 1. *c.* 10. it was taken away much in the ſame manner with the Court of *High Commiſſion*: For there is a Recital of the Statutes on which it was grounded, 3 *H.* 7. *c.* 1. 21 *H.* 8. *c.* 20. And then it is alledged, That *they had exceeded the Bounds which the Law had given them*, in theſe Words; *But the ſaid Judges have not kept themſelves to the Points limited by the ſaid Statute, but have undertaken to puniſh where no Law doth warrant, and to make Decrees for things having no ſuch Authority, and to inflict heavier*

vier Puniſhments than by any Law is warranted. And ſo, by this very ſame way of Reaſoning which the *Vindicator* uſes, another *Court* of *Star-Chamber* may be ſet up, if it keeps it ſelf within the Bounds of the Statutes. But we are not to judge of the force of a Law by the particular Reaſon aſſigned, but by the *Enacting Clauſe: Be it Ordained and Enacted by the Authority of this preſent Parliament, That the ſaid Court, commonly called the* Star-Chamber, *and all Juriſdictions, Power and Authority belonging unto, or exeroiſed in the ſame Court,* &c. *be from the firſt of* Auguſt, 1641. *clearly and abſolutely diſſolved, taken away and determined.* If another *Star-Chamber* cannot be ſet up with ſome Limitation for *extraordinary Civil Juriſdictions*, how can another *Eccleſiaſtical Court* for *extraordinary Juriſdiction*, which is taken away after the ſame manner? Only the Act againſt the *High Commiſſion* is more expreſs in the Concluſion againſt *Setting up any other Court with like Power, Juriſdiction or Authority*; for it was then foreſeen, that ſome other Court might be ſet up with ſome Alterations; and to prevent any thing of that Nature, the laſt Clauſe was annexed.

2. The prohibiting Clauſe, 17 *Car.* 1. *c.* 11. is very conſiderable to the purpoſe. For the Force of the former Act was taken away by the Repealing Clauſe; but that was not thought ſufficient to prevent *another Court* riſing up, which might be *like to it.* A Court may be like, although not altogether the ſame: It may be *like* in *Juriſdiction*, although not in a *Power to fine and impriſon.* But the Act ſaith, That *no new Court ſhall be erected which ſhall or may have the like Power, Juriſdiction or Authority, as the ſaid High Commiſſion now hath, or pretendeth to have; but that all and every ſuch Letters Patents made or to be made by his Majeſty or Succeſſors, and all Powers and Authorities granted, or pretended, or mentioned to be granted thereby; and all Acts, Sentences and Decrees to be made by virtue or colour thereof, ſhall be utterly void, and of none effect.* Was all this meant only of ſuch a *Court* as ſhould proceed to *Fine and Impriſon?* Why was not this ſet down in as plain a manner as ſuch a Law required? But we are to obſerve,

1. It not only voids the *Letters Patents*, but declares the *Conſtitution* of the *Court* it ſelf to be *illegal*; but that doth not depend upon the *Power to Fine and Impriſon.* If it had been ſaid, *No new Court ſhall be erected with a Power to Fine and Impriſon*, the Matter had been clear; for a new Court might have been erected proceeding by *Eccleſiaſtical Cenſures*, without a Power to Fine and Impriſon. But the Act takes no notice here of any ſuch Power, but abſolutely forbids any *Court* with the *like Power, Juriſdiction, or Authority.* Had the *High Commiſſion* no *Power, Juriſdiction* or *Authority*, but only *to Fine and Impriſon?* Their *Power and Authority* by Act of Parliament was general, *to reform Abuſes*, &c. In caſe there had been no ſuch Clauſe as *Fining and Impriſoning* in the *Letters Patents*, had there been *no Court, no Power, Juriſdiction* or *Authority* belonging to it? If then there be a *Power, Juriſdiction* or *Authority* of a *High Commiſſion Court*, without a *Power* to *Fine and Impriſon*, then all ſuch *Power* and *Authority* is taken away by the prohibiting Clauſe.

2. It forbids the *Juriſdiction* of ſuch a Court: But *Juriſdiction* is quite another thing from a *Power to Fine and Impriſon. Juriſdiction*, ſaith *Bracton*, is *Authoritas judicandi, ſive juris dicendi inter partes*; and to the ſame purpoſe *Fleta*: They both diſtinguiſh two kinds of *Juriſdiction, Eccleſiaſtical* and *Civil. Eccleſiaſtical*, ſaith *Bracton*, is that Bract. *l.* 5. *c.* 1. Flet. *l.* 6. *c.* 37. *c.* 2.

which belongs to *Eccleſiaſtical Cauſes*; which ſhews, That they looked
l. 36. §. 5. on *Eccleſiaſtical Proceedings by Cenſures* as part of the *Eccleſiaſtical Juriſdiction.* The firſt General Exception, ſaith *Fleta*, is againſt the *Juriſdiction* of a Court, which is allowed to be made to thoſe *quibus deficit authoritas judicandi.* From hence it appears, That the Power and Authority of meddling in Eccleſiaſtical Cauſes, is that which is implied in the *Juriſdiction* of the Court; if it hath no *Juriſdiction* it is no Court; if it have *Juriſdiction*, it is void in Law; for the Act of Parliament takes away all *Power*, *Juriſdiction* and *Authority*, from any ſuch Court.

3. The Explanatory Act, 13 *Car.* 2. *c.* 12. makes this more evident; for there being a Clauſe inſerted, 17 *Car.* 1. *c.* 11. which ſeemed to take away the *ordinary Juriſdiction* of the *Eccleſiaſtical Courts*, it was thought fit to make that Act on purpoſe to clear that Matter, by repealing that Clauſe. But that Clauſe being part of the Act which took away the *High Commiſſion Court*, leſt by ſuch Repeal the Act it ſelf ſhould be thought repealed, therefore there is only an Exception put in, not barely as to the old *High Commiſſion*, but as to the new *erecting* ſome ſuch *like Court* by *Commiſſion.* And a particular *Proviſo* is added, *That neither this Act, nor any thing herein contained, ſhall extend or be conſtrued to revive or give force to the ſaid Branch of the ſaid Statute, made in the ſaid firſt Year of the Reign of the ſaid late Queen* Elizabeth, *mentioned in the ſaid Act of Parliament, made in the ſeventeenth Year of the Reign of the ſaid King* Charles; *but that the ſaid Branch of the ſaid Statute made in the ſaid firſt Year of the Reign of the ſaid late Queen* Elizabeth, *ſhall ſtand and be repealed in ſuch ſort, as if this Act had never been made.* Now it ought to be conſidered, That even this Parliament doth not fix upon the *Power to Fine and Impriſon*, to take that away; but upon the *Original Clauſe* in the Act, which gave Power to erect ſuch a Court. And this Parliament was zealous to aſſert the *Ordinary Juriſdiction*, and as zealous to prevent any ſuch extraordinary Juriſdictions as was in the *High Commiſſion*; which it ſhewed, by continuing the Repeal of that Power by which it was eſtabliſhed.

Chap. II.

The King's Supremacy by Common Law, enquired into; Coke's fifth Report, de Jure Regis Eccleſiaſtico, *examined.*

Defence of Eccleſiaſtical Commiſſion, p. 8, 9.

BUT againſt this it is pleaded with ſome Appearance of Reaſon, *That in* Caudry's *Caſe the Judges reſolved, That the Act of the firſt Year of the late Queen was not introductory of a new Law, but declaratory of the old; and that the King by the ancient Law might make ſuch an Eccleſiaſtical Commiſſion. And ſince the Act* 13 Car. 2. c. 12. *ſaith, That we are not to abridge or diminiſh the King's Supremacy in Eccleſiaſtical Matters and Affairs: Therefore we are ſtill to ſuppoſe, That the King hath a Power by Law to appoint ſuch a Commiſſion for Eccleſiaſtical Matters.*

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This is the Substance of what is pleaded for the *Legality* of the *Court*: And since the Argument is confined to Matter of Law, to clear this Matter, it will be necessary to give an account of these two things,

I. What the *Ancient Law* was to this Matter.

II. How far the *Legal Supremacy* is abridged by these Statutes.

I. As to the *Ancient Law* in this matter, It's true that the Lord *Coke*, in *Caudry's* Case hath endeavoured to prove, That the Statute, 1 *Eliz.* *was not introductory of a New Law, but declaratory of the Old*; but the Instances he produces fall very short of being *Demonstrative Proofs*, as he calls them:

For the true Case is not,

(1.) Whether the King ought not to interpose in *Ecclesiastical Matters*, so far as the Peace and good Government of his Realm was concerned. Nor,

(2.) Whether he might not order things which concerned the Right of *Ecclesiastical Possessions*; as in *Bishopricks*, *Commendams*, *Right of Patronage*, *Pleas of Tythes*, &c. Nor,

(3.) Whether the King, by his Supreme Authority might not limit the Proceedings of ordinary *Ecclesiastical Courts* in Matters concerning his *Crown and Dignity*, by granting Prohibitions. Nor,

(4.) Whether the King by *Common Law* cannot grant a *Commission of Review*, after the Proceedings of the *Ecclesiastical Courts*; which Judge *Hutton* affirmed, *Was all that was determined in* Caudry's *Case*. Nor, Littleton's *Rep.* 189.

(5.) Whether the King in Parliament may not *make Laws* for Reformation of Religion, and establishing good Order therein. Nor,

(6.) Whether the Supreme *Coactive Jurisdiction* were not always a *Right of the Crown*, however it were in a great Measure usurped by the Pope after *King* John's *Resignation*.

But, whether our *Ancient Law* doth give the King a Power, by virtue of his *Ecclesiastical Jurisdiction*, to appoint *Commissioners* by an extraordinary way of Jurisdiction to proceed *in prima instantia*, against Persons by *Ecclesiastical Censures?* And to prove this I cannot find one sufficient Example, as I shall make appear by a short Account of the *Instances* he produces, and the *Ecclesiastical Jurisdiction* exercised at that time.

In the time of the Saxons.

In the Saxon *Times*, he brings first *an Instance of* Kenulphus, King *of* Mercia, *granting an Exemption to the Abbot of* Abingdon: But what does this signifie to *Ecclesiastical Jurisdiction*, to prove, That the King gave the Abbot an Exemption from the *Temporal Jurisdiction of the Bishops?* For, in those Days there were great Disputes between the *Bishops* and *Abbots* about *the Temporal Jurisdiction over the Lands of their Abbies*; which the *Bishops* claimed, and the *Abbots* refused, and put themselves under the Protection of Princes and Great Men, as appears by the Councils of *Cloveshoe* and *Becanceld*, in the time of *Kenulphus*. But *Stamford* puts this Matter out of Dispute, in the Confirmation of the Charter of *Kenulphus*, by *Edwin*, for the Words are, *Quod præfatum Monasterium omnis terrenæ servitutis esset liberum:* And what is this now to *Ecclesiastical Jurisdiction?* Stamford's *l.* 3. *f.* 111.

But we have manifest Proof in the *Saxon Times*, That the *Ecclesiastical Jurisdiction* was never exercised by such a Commission, but that all

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extraordinary Caſes were diſpatched in *Parliamentary Aſſemblies*, and the *Ordinary Juriſdiction* was exerciſed by the *Archbiſhop* of *Canterbury*, in Chief, and by the reſt of the Biſhops. The firſt extraordinary Inſtance of proceeding againſt an Eccleſiaſtical Perſon, in the *Saxon Times*, was that of *Wilfred*, Archbiſhop of *York*, who becauſe he would not conſent to the making *three Biſhopricks* in his *Province*, was depoſed by *Theodore* Archbiſhop of *Canterbury*, *the King himſelf being preſent, and the great Council of the Nation:* For ſo King *Alfrith* ſaith, that he was *bis à toto Anglorum Concilio damnatus*, as the Words are in *Malmesbury*; and *Eddius*, who lived at that time, ſaith, *That King* Alfrith *gave this Reaſon againſt reſtoring him, becauſe he had been condemned by the Kings his Predeceſſors, with their Council, the Archbiſhop aſſiſting, and himſelf had judged him, cum omnibus pene Britanniæ veſtræ Præſulibus, all the Biſhops, almoſt, being preſent.*

Malmesb. *l.* 3. *f.* 152. Edd. vit. Wilfred. *c.* 55.

In the Council of *Neſterfield*, in his Caſe, it is ſaid, *The King was preſent and* Berthwaldus, *Archbiſhop of* Canterbury, cum totius pene Britanniæ Epiſcopis. In the Council at *Nid*, it is ſaid, *ſedentibus Rege & Epiſcopis, cum Principibus eorum in loco Synodali*; which was a *Parliamentary Aſſembly.*

Ibid. *c.* 45. *c.* 57.

Not long after *Tunbert* was depoſed from his Biſhoprick, but it was, ſaith *Florentius Wigornienſis, congregata Synodo ſub præſentia Regis Egfridi.* The Archbiſhop *Theodore* likewiſe depoſed *Winfred* Biſhop of the *Mercians*, ſaith the ſame Author after *Bede*, for *ſome Diſobedience*, and conſecrated *Saxulphus*, the firſt Abbot of *Peterborough*, in his Place.

Florent. Wigor. *f.* 254.

This *Winfred* had been preſent at the Council at *Herudford*, and there conſented to the *Canons* then firſt received in the Engliſh Church; and there they ſubmitted to Eccleſiaſtical Cenſures, upon the Violation of them. *At this Council*, ſaith *Matt. Weſtminſter*, *were preſent not only all the Biſhops, but all the Kings and Great Men of the Nation*; ſo that the firſt *Canons* were received in a *full Parliament.* One of theſe *Canons* was for *increaſing the Number of Biſhopricks, as the Number of Believers increaſed:* And upon this Canon *Theodore* proceeded againſt both *Wilfred* and *Winfred:* For not long after *Theodore* divided his Biſhoprick into *five*; but it was done, ſaith *Florentius*, *conſenſu ejuſdem Regis & Principum illius*, as *Ina* divided the *Weſtern Province* into *two Biſhopricks*, *Synodali Decreto*, ſaith *Mat. Weſtminſter*, which then was the ſame, as by *Act of Parliament.* And the oppoſing ſuch a Diviſion ſeems to have been the *Crime of Diſobedience*, for which he was deprived by the Archbiſhop: For as *Bede* obſerves of him, *He firſt exerciſed Eccleſiaſtical Juriſdiction over all* England.

Spelm. Con. *p.* 154. Mat. Weſt. A. C. 673. Florent. *p.* 559. Mat. Weſt. A. C. 711. Bed. *l.* 4. *c.* 2.

In the great Council at *Becanceld*, where King *Withred* was preſent, *A. D.* 694. with his Nobles (*Ducibus & Satrapis in unum glomeratis*) *together with the Clergy:* He there diſowns any *Eccleſiaſtical Juriſdiction*, and leaves it to the Archbiſhop of *Canterbury*; *Metropolitani Epiſcopi eſt Eccleſias Dei regere, gubernare*, &c. and then follows, *Presbyteros, Diaconos eligere, ſtatuere, ſanctificare, firmare & amovere.* And he makes this an inviolable Law, as far as his Words could make it, *Si quis autem Rex poſt nos levatus in Regnum, aut Epiſcopus, aut Abbas, vel Comes, vel ulla poteſtas hominum contradicat huic Chartulæ, aut infringere tentaverit, ſciat ſequeſtratum à Corpore & Sanguine Domini*, &c. And after it follows, *Hæc Lex inviolabilis uſque ad conſummationem Sæculi permaneat*, &c.

Spelm. *p.* 190.

Mr.

Mr. *Prynn*, out of his old Kindneſs to the *Archbiſhops of* Canterbury, in his vaſt Heap of *Collections*, would have this rejected as ſpurious; but Sir *H. Spelman*, whoſe Judgment was far beyond the others, ſaith, *He had peruſed five MSS. of it, whereof one was with a mixture of Saxon Letters*, and he had no Miſtruſt of its Sincerity. And the Learned and Judicious Editors of the *Decem Scriptores*, Sir *Roger Twiſden* and Mr. *Selden*, have thought fit to inſert it after them, out of a *MS.* in *CCC.* Chronological Vindication. *To. 1. f. 193.* Decem. Script. *f.* 2209.

But Mr. *P.* thinks *it is contradicted by the Council of* Bergam-ſtead, *about Eccleſiaſtical Affairs, under King* Withred: But I can find nothing like it. It is true, there are Laws made concerning Eccleſiaſtical Matters, by common Conſent of the *King, the Nobles and Biſhops*; but the very firſt is, *Eccleſia libera ſit fruaturque ſuis judiciis*, &c.

But beſides, in the Great *Council* at *Cloveſhoe*, where *Æthelbaldus*, King of *Mercia*, was preſent, and *Cuthbert*, Archbiſhop of *Canterbury*, with the *other Biſhops*, this Charter of *Withred*'s, was read, and approved, and confirmed, with the like Sanction annexed to it. A. C. 742. Decem. Script. *p.* 2209.

In the Council at *Cloveſhoe*, *A. C.* 787. The extent of the Juriſdiction of the Archbiſhop of *Canterbury* was very much leſſened by the means of *King Offa*, who cauſed another Archbiſhoprick to be ſet up in *Mercia*; and the Archbiſhop of *Canterbury* gave his Conſent, ſaith *Matt. Paris*: But his former Juriſdiction was reſtored in the Council of *Cloveſhoe*, *A. D.* 803. by a *general Conſent.* But in the former Council the Eccleſiaſtical Juriſdiction was ſtrenuouſly aſſerted, in theſe Words; *Sicut Reges omnibus dignitatibus præſunt, ita & Epiſcopi in his quæ ad Deum attinent.* And in the latter, there is a ſevere denunciation againſt all *that ſhould leſſen the Honour, or take away the Juriſdiction of that See.* Spelm. *p.* 296. *p.* 324.

From henceforward I find no diminution of the *Archbiſhop's Ordinary Juriſdiction* through the *Saxon Times*. The King had the *Political Supremacy* in him, by which he erected and divided *Biſhopricks*, and nominated *Biſhops*, and ſummoned *Councils*, and confirmed their Proceedings as he ſaw Cauſe; but the *immediate Eccleſiaſtical Juriſdiction* was left to the Archbiſhop of *Canterbury* in the firſt place, and to the reſt of the Biſhops as to any *Publick Acts* which related to *Eccleſiaſtical Affairs*, they were not diſpatched by *particular Commiſſions*, but in the *Parliamentary Aſſemblies*; In which, the Cuſtom was, to begin with what related to the Church, and then to proceed to other Buſineſs. Of this *Ingulphus* gives us an Inſtance in *Ceolnothus* Archbiſhop of *Canterbury*; for in the Parliament Aſſembled at *Kingsbury*, *A. C.* 851. *in Hebdomada Paſch.* (which was chiefly aſſembled *pro Regni negotiis*) yet even then, he propoſed, That *Church Affairs might be firſt diſpatched*; *Divina Negotia debere primitus proponi*; to which they all aſſented. And ſo *Bertulphus* his *Charter* of *Crowland* then paſſed; as *Withlafius* his did before, at a time when the Biſhops and Nobles attended the King at *London*, to conſult about the *Daniſh Pyrates*, which very much infeſted our Coaſts. Ingulph. *p.* 499. *C.*

Thus *Æthelwolfus* paſſed his famous Grant of *the Tenth of all the Lands to the Church, in a Council at* Wincheſter; himſelf and the *Kings* of *Mercia* and *Eaſt-Angles*, being preſent, and *all the Nobility and Biſhops giving their free Conſent*; as *Ingulphus* relates it. Several others might be produced; but theſe are ſufficient. And the *Saxon Laws* are Ingulph. ib.

a plain Evidence, That *Church Matters* were in thoſe times determined in the ſame Aſſemblies, wherein the other Laws of the Kingdom were paſſed.

In the Reign of King Edward *the Confeſſor.*

C. 5. R. The next Inſtance is of *Edward* the *Confeſſor*, who ſaith in his Laws, That *he is Vicar of the higheſt King, and he is ordained to this end, that he ſhould Govern and Rule the People of the Land, and above all things, the Holy Church, and that he defend the ſame from Wrong-doers, and root out Workers of Miſchief.*

F. Parſons ſaith, *All this was by Commiſſion from the Pope, ſuch as the Kings of* Sicily *had.*

Anſ. to Coke's *5th Rep. c. 5. n. 20.* But in my Opinion, this is a very bad Anſwer: For it ſuppoſes Perſons otherwiſe uncapable, to be made capable of the ſame Juriſdiction, which follows Orders, provided they have a Delegation from the Pope: Which is in effect, to confound all Eccleſiaſtical Juriſdiction in any, but the Pope himſelf, and thoſe to whom he commits it. But thoſe who aſſert the *Right* of *Juriſdiction* to follow the *Power* of *Order*, muſt firſt ſuppoſe a Perſon duly qualified, before he can receive from the Pope himſelf the Power of *Eccleſiaſtical Juriſdiction.* If therefore a Prince hath not an inherent Right to it, he cannot receive it by *Commiſſion* from the *Pope.* And the Powers which the *King* of *Sicily* challenges, relating to Eccleſiaſtical Juriſdiction, are either ſuch as other Princes have an equal Right to; or elſe they muſt imply ſuch a proper *Eccleſiaſtical Juriſdiction* as follows the *Power* of *Order*; and then, how can the Pope give the one without the other? Such a Gift is like *an Appropriation of a Benefice with a Cure to a Nunnery*, which the Lord *Hobart* Hob. *Rep.* 1. 148. ſaith, is *void in Law*, by reaſon of the incapacity of the Perſons. But the *Supremacy* which our Law gives, is not any proper *immediate ſpiritual Juriſdiction*, like that of Biſhops, but an *Authoritative and Legiſlative Supremacy without any foreign Appeals*, as will appear afterwards. But the *Rights* which the Kings of *Sicily* challenge, are theſe, 1. That *they have the ſame Powers which Legates à* Latere *have, and may judge of the ſame Cauſes, and proceed in the ſame manner with Eccleſiaſtical Cenſures.* 2. That *no Appeal lies from the King's Commiſſioner, even to* Rome *it ſelf*; and it is common to Appeal from the Cenſure of the Biſhop to him. The former is a *Power*, which our Kings never pretended to, by virtue of their *Supremacy*; for it is a *Delegation* of the *Power of the Keys*; which the Legates *à Latere* exerciſe by virtue of their *Function*, as well as their *Commiſſion*: But the *Legal Supremacy* with us, is a *Right to Govern all ſorts of Men by our own Laws, without any foreign Juriſdiction, and that with reſpect to Eccleſiaſtical Matters as well as Temporal.*

But to prevent Miſtakes and Cavils about this Matter, it will be neceſſary to clear the *Notion* of *Supremacy*; as it hath been owned and received in the *Church* of *England.*

And for this we have two *authentic* Declarations of it to rely upon.

The firſt is mentioned, 5 *Eliz.* c. 1. 14. Where the *Supremacy* is declared to be taken and expounded in ſuch form as is ſet forth in the *Admonition* annexed to the *Queen's Injunctions*, publiſhed in the firſt Year of her Reign. And the Words there are, That *the Queen neither doth nor will challenge any Authority, but ſuch as was of ancient time due to the Imperial Crown of this Realm, that is, under God to have the Sovereignty and Rule over all manner of Perſons, born within theſe her Realms, Dominions and Countries, of what Eſtates, either Eccleſiaſtical or Temporal*

poral soever they be, so as no other foreign Power shall or ought to have any superiority over them.

The Second is in the 37th Article, wherein it is declared, That *by the Supremacy is meant, that only Prerogative which we see to have been always given to all Godly Princes in Holy Scriptures by God himself, that is, that they should rule over all Estates and Degrees committed to their Charge by God, whether they be Ecclesiastical or Temporal, and restrain with the Civil Sword the stubborn and evil doers.*

So that *granting* a *Commission* for proceeding by *Ecclesiastical Censures*, is no part of that *Supremacy* which our Church owns. And thus the Divines of our Church have understood it. By the *Supremacy*, saith Bishop *Andrews*, *we do not attribute to the King the Power of the Keys, or Ecclesiastical Censures.* Tortura Torti, *p.* 380.

R. Thomson, in his Defence against *Becanus*, saith, *The Supremacy is not to be defined by Ecclesiastical Jurisdiction, but by Supream Government.* Elenchus Refut. Tort. Torti, *p.* 80.

Becanus urged this as an Argument against the King's Supremacy, That *he had no Ecclesiastical Jurisdiction.* Dr. *Burrhil* answer'd, That *the Supremacy implied many other things; as, the Power of calling Convocations, of confirming Canons, of giving Commissions of Delegates, of taking Cognizance of the Misdemeanors of Church-men, (as well as others) but for proper Ecclesiastical Jurisdiction, he denies it to belong to Supremacy.* And after asserts, That *the King's Supremacy is preserved, if he takes care that those who have the Power of Ecclesiastical Censures do exercise them;* and not as tho' it belonged to the Supremacy to give an immediate Power to proceed by Ecclesiastical Censures, which was not supposed to belong to it, but a supreme Right of governing all sorts of Persons by our Laws. C. Mart. Bec. pro Tort. Torti, *c.* 21. *p.* 234. *P.* 22. *p.* 244.

The King's Supremacy in Ecclesiastical Matters doth not, saith *Mason*, *imply the Power of the Keys, which the King hath not; but he may command those who have them to use them rightly.* Mason de Minist. Angl. *l.* 3. *c.* 3. *p.* 271.

All these wrote in King *James* I. his Reign, when the Point of *Supremacy* was throughly sifted on both sides. And the King himself, who very well understood these Matters, saith, That *the Oath of Supremacy only extended to the King's Power of Judicature, over all Persons as well Civil as Ecclesiastical, excluding all foreign Powers and Potentates to be Judges within his Dominions.* Not as though the King hereby challenged to himself a Power of inflicting *Ecclesiastical Censures* on Persons; but leaving the *Spiritual Jurisdiction* to those who have *the Power of the Keys*, it belonged to him to exercise his *Supreme Authority* over Ecclesiastical Persons and Causes, as he did over Temporal. *For*, saith Archbishop *Bramhal*, *our Laws never invested the King with any Spiritual Power or Jurisdiction, witness the Injunctions of Q.* Eliz. *witness the publick Articles of our Church, witness the Professions of King* James, *witness all our Statutes themselves.* *Apology*, &c. *f.* 263. Bramhal's Works, *p.* 340.

The King of England, saith he, *by the Fundamental Constitution of the Monarchy, hath plenary Power, without the Licence, or Help, or Concurrence of any Foreign Prelate or Potentate, to render final Justice, that is, to receive the last Appeals of his own Subjects, without any Fear of any Review from* Rome, *or at* Rome, *for all Matters Ecclesiastical and Temporal; Ecclesiastical by his Bishops, Temporal by Judges.* *P.* 63.

And thus our Laws were in the right, when they called the Act of Supremacy, Restoring the Rights of the Crown; for if we take away all

the Papal Uſurpations as to Appeals, Exemptions of Perſons, Diſpenſations, Proviſions, making Canons, ſending Legates to hold Courts, to call Convocations, &c. *we may eaſily underſtand what the Supremacy is*, viz. *a Power of Governing all ſorts of Men according to the Laws Eccleſiaſtical and Temporal, without any Foreign Juriſdiction.*

But as in Temporal Matters the King's Supreme Authority is exerciſed in his ordinary Courts, ſo likewiſe in Eccleſiaſtical; which deriving their Juriſdiction from the King as Supreme, his Supremacy is preſerved in the ordinary Eccleſiaſtical Courts: But as to extraordinary *Juriſdiction* that depends on the Legiſlative Power; and whether that be not now taken away by it is the thing in Queſtion.

Having endeavoured to ſet this Matter in as clear a Light as I could, I now return to the Inſtance of *Edward the Confeſſor.*

And thoſe Words of his, as they are in *Hoveden*, ſignify no more than a *general Right of protecting* and *defending the Church*, which is not denied to belong to Kings, where the Pope's Authority is the moſt owned.

I cannot but take notice of a different Reading in the Lord *Coke*'s Copy from all that I have ſeen; for where he hath it, *Sanctam Eccleſiam regat & defendat*; *Lambard*, *veneretur & regat*; but *Hoveden*, *revereatur & ab injuriatoribus defendat*; which is that *Right of Protection* which is allowed by all. The *Spaniſh Lawyers* hold, *That there lies an Appeal to the King's Courts, by his Right of Protection, in caſe of any violent proceedings in the Eccleſiaſtical Courts.* Which *Violences* are ſo many, as make ſuch Appeals ſo frequent and neceſſary, that whole Volumes have been written about them. And this, they ſay, *Is not introductory of a new Law, but only declaratory of a natural Right.* The *French Lawyers* allow *Appeals* from the *Eccleſiaſtical Courts, tanquam ab abuſu*; which muſt be founded on an *Original Right* in the King, to defend the Church both from *Injuries* and *Abuſes.* And as to the Church it ſelf, it is fully expreſſed in the Writ *de Excommunicato capiendo*, in the Words, *Quia vero poteſtas Regia Sacroſanctæ Eccleſiæ in querelis ſuis deeſſe non debet.* But ſuch a *Right* of *Protection* and *Aſſiſtance* is different from that of *Juriſdiction*; unleſs it be that which is only Coactive, which is not the Juriſdiction we now enquire into.

Covarruvias Pract. Quæſt. c. 35. n. 3.

Salgado de Regia Prot. part 1. c. 1. n. 23. Paſq. Recher. l. 3. c. 33.

But it is moſt conſiderable that King *Edward* ſaith, *He is God's Vicar, and therefore could not look on himſelf as acting by Commiſſion from the Pope.* It is true, that in the third Charter of *Weſtminſter*, there is a *Bull* of *Nicholas* the Second, wherein he *gives to the King and his Succeſſors, the protection and defence of that Place, and of all the Churches of* England, *and a Power in his ſtead to make good Laws, with the Advice of the Biſhops and Abbots:* But I do not find that King *Edward* owned that he acted in theſe Matters by any Commiſſion from the Pope, but from God himſelf.

And this Law, in *Hoveden* and others, overthrows any ſuch pretended *Commiſſion*; and yet the *Pope* himſelf doth not give him a Power to *delegate* his Authority to others, but to act in it himſelf, and that *only with the Advice of Biſhops and Abbots.*

The Point then which was to be proved, was not that the King had Right to protect the Church from Injuries, but ſuch an *inherent Right* of *Eccleſiaſtical Juriſdiction*, which he might *delegate* to others, whether *Biſhops or not*, and impower them to proceed by *Eccleſiaſtical Cenſures* againſt Offenders, ſummoned to appear before them. And the Queſtion

now

now is not, Whether by the *Supreme Legislative Power of the Nation* such an *Authority* might not in an extraordinary Case be committed to particular Persons *by Act of Parliament*; but, Whether such an *Act of Parliament* being granted to be taken away, the *King* by the *ancient Law of the Realm* may appoint such *Commissioners* as he thinks fit, Laymen or Bishops, to proceed against the King's Subjects by *Ecclesiastical Censures?*

And this very stating of the Case as it ought to be, shews how impertinent the remainder of his Examples are. But to proceed.

In the Reign of King William *the First.*

In the time of *William the Conqueror*, he only mentions a Case out of *Fitz-Herbert*, *That he made an Appropriation of Churches with Cure to Ecclesiastical Persons*, viz. *to a Prebend of the Church of* York. *Now this*, saith he, *was agreed by all could not be done without Ecclesiastical Jurisdiction.*

It is too common a Fault in some great Lawyers, that what they find once settled for Law in their Books, they imagine was never otherwise. Thus *Appropriations* after *Dioceses* were settled, being looked on as chiefly the Act of the *Ordinary*, who is to take Care of the whole Diocese: From hence they infer, That in all Times an *Appropriation* must argue *Ecclesiastical Jurisdiction*. But before the *Parochial Rights* were established, there were many *voluntary Appropiations* made by particular Persons, who thought there was no more Ecclesiastical Jurisdiction in the *Appropriation* of Churches, than in the *Endowments* of them, and in the *Right* of *Patronage*; only the one is settled on a *Spiritual Corporation* as *perpetual Incumbent*, and the other on *particular Persons in Succession*. It's true, since the Acts for restoring *Jurisdiction* to the Crown, the Power of *making Appropriations* in the King is said to be from his *Supreme Ecclesiastical Authority*, *Grindon*'s Case, in *1P. f.*448. But then we are told, *It was because the Pope, as Supreme Ordinary, had such a power without the Bishops:* Which Reason will not hold as to such times when the Pope was not owned to be *Supreme Ordinary*, as he was not in the *Conqueror*'s Time, the *Canon Law* not being then receiv'd in *England.*

But what a mean Proof is this in such a busy Time as that of *William the First*, when so many great Churchmen were deprived of their Bishopricks, being *English*, and the *Normans* put in their Places? Was this done by any Commission from *William* to his great *Lords* and others, to proceed against them by *Ecclesiastical Censures?* Nothing like it. *Stigand*, Archbishop of *Canterbury*, (if *Spot*'s Story be true) was too great a Friend to the *English Liberties* to be endured by him, but he was too great a Dissembler to seem to have any thing to do in it himself, and therefore knowing he was of the opposite Party to the prevailing Pope, he privately sends to him, to send a *Legate* for that purpose, (wherein the Pope and he had their several Ends) and then in Parliament Time, the King keeping his *Easter* at *Winchester*, *Stigand* was deposed, and *Agilmarus*, Bishop of the *East Angles*, and several others, *without any evident Reason*, saith *Hoveden*, *but only to make way for the* Normans. This was in *Concilio Magno*, saith he and the rest; for *Easter* was one of the three Seasons for the Parliamentary Meeting in the Year; which *William* kept up in Imitation of the *Saxons*, who at *Christmas*, *Easter*, and *Pentecost*, held their publick Courts, and did wear their Crowns till the Times of *H.* 2. and then they did di-

Hoveden, *f.* 259. 2.

ſpatch Publick Affairs. Thus far he complied with the *Saxon* Cuſtoms, but he had a new Work to do: The Archbiſhop he could not rely upon, and therefore was put to find out a new way, by ſending for a Legate from the Pope to ſerve his turn. And thus *William*, for his own Ends, having ſo hard a Game to play here, called in the Pope's Aſſiſtance, who knew well enough how to draw his own Advantage out of it. But *William* would go no further than his Intereſt carried him; for afterwards he declared, *That he would maintain his own Rights which he enjoyed in* Normandy, *viz. That nothing ſhould be done without him in Convocation; no Legate come but as he pleaſed*, &c. But ſtill he ſeemed to let them enjoy their *Saxon* Liberties in Matters of Eccleſiaſtical Proceedings, ſo far as to have them debated in Parliament. Thus the Controverſy between the two Archbiſhops was referred to Parliament, *the King and the Great Men, as well as the Biſhops, being preſent.* The Controverſy between *Lanfrank*, Archbiſhop of *Canterbury*, and *Odo*, Biſhop of *Baieux*, was referred, ſaith *Eadmerus*, to a *Conventus principum* at *Pinnedenen*; and when the King heard their Reſolution, *cum conſenſu omnium Principum ſuorum confirmavit*, ſaith the *Textus Roffenſis*. He likewiſe confirmed Charters as the *Saxons* had done; that to *Battel Abby* was *Conſilio Epiſcoporum & Baronum meorum*. But the moſt conſiderable thing he did as to *Eccleſiaſtical Juriſdiction*, was ſeparating the Courts Eccleſiaſtical from the Hundred Courts, by his Charter to *Remigius* and others; *which*, he ſaith, *was granted in a great Council, and by the Advice of the Archbiſhops, Biſhops, and all the Great Men of his Kingdom.* So that ſtill extraordinary Acts relating to Church Matters were paſſed in Parliament by General Conſent.

Ead. *f.* 6.

Hoveden, *f.* 260.

Eadm. *f.* 9.

Selden. ad Eadmer. *f.* 165.

And what now doth the *Appropriation of a Church with a Cure of Souls* ſignify to prove his Eccleſiaſtical Juriſdiction? When thoſe things in his Time were not brought under ſuch ſtrict Rules as they were afterwards; but *Appropriation* might have been made by any Lay-Perſon, that never pretended to the leaſt Eccleſiaſtical Juriſdiction; and he might as well have brought his demoliſhing ſo many Churches in the *New Foreſt*, for an Inſtance of his Eccleſiaſtical Juriſdiction.

In the Reign of William *the Second.*

In *William Rufus* his time, a great Heat aroſe between him and *Anſelm*, Archbiſhop of *Canterbury*, about owning the Pope, Whether the Archbiſhop could do it without the King's Conſent? The Buſineſs was referred to Parliament, which the King called on purpoſe at *Rockingham*, ſaith *Eadmerus*, who was there preſent; *The Biſhops declared they could not deprive him (as the King would have had them) to whom they had promiſed Obedience.* After which it was again referred to Parliament; but *Anſelm* not yielding, he went out of the Land.

Ead. *f.* 26.

f. 30, 31. 38.

In the Reign of King Henry *the Firſt.*

In the Reign of *Henry* the Firſt, a new Controverſy aroſe between the King and the ſame Archbiſhop about the ancient Right of the Crown, as to *Inveſtiture of Biſhops*. The King calls a Parliament about it, wherein the *Biſhops and Lords joined with the King*. Afterwards *Anſelm* deſired, *The Advice of the Biſhops and Nobles might be heard at* Eaſter; which ſhews that both Sides referred it to the Parliament.

Id. *f.* 65, 66, 70.

In

In his time a Council was called, and several Canons passed, and the Archbishop desired of the King, That the *Primates Regni* might sit with them; that all things might pass *utriusque Ordinis concordi cura*, with *the Consent of both Estates.* The King afterwards takes the Advantage of these Canons, and prosecutes the Breakers of them, and raises Money upon pretence of Forfeitures, to the great Grievance of the Clergy. *Anselm* although then in Disfavour, writes to the King about it, and tells him, This was a new Method of Proceeding, *because it belonged to the Bishops in their Dioceses to call the Clergy to an Account*; or if they neglected, *to the Archbishop and Primate.* The King Answers, *That his Barons were to meet him on* Ascension-day, *and by their Advice he would give an Answer*; but upon *Anselm*'s Return this Prosecution ceased. Other Affairs of the Church were then referred to the Parliament at *Easter*, from thence to *Pentecost*, and by reason of *Anselm*'s Sickness to *August*; and *then the Bishops, Abbots and Lords of the Kingdom, met in the King's Palace at* London, *and by Consent of Parliament, Investiture was turned into Homage.* 67, f. 85; 86; 90, 91,

In his time the *Bishoprick* of *Ely* was erected by the King's Consent in Parliament, *Regi, Archiepiscopo, cæterisque Principibus Regni visum fuit*, saith *Eadmerus.* The Consecration of an elect Archbishop of *York*, was transacted in Parliament, *the King advising with the Bishops and Nobles about it*; for *Anselm*, before his Death had sent an *Inhibition* to the Bishops, not to Consecrate him unless he made the Profession of Obedience to the Archbishop of *Canterbury:* The Bishops resolved to adhere to *Anselm*'s Inhibition, and the King yielded. After *Anselm*'s Death, the King advised with his *Parliament* at *Windsor*, about a Successor to him; and the Bishop of *Rochester*, at the Request of the Bishops, was agreed upon: And the King filled the *Abbies* before he went into *Normandy, consilio Principum & Episcoporum suorum.* 95, 102, 109, 110.

In the latter End of *Henry* the First, many Disputes hapned about *Ecclesiastical Jurisdiction*, as between the Bishops of St. *David*'s and *Glamorgan*, which were debated in *magno Placito apud London*, saith *Henry* of *Huntingdon:* And *for such Causes*, saith he, *another Assembly was held in the beginning of* Lent, *and again in* Rogation Week. Hen. Hunt. l. 7. f. 220. 2.

In all this time, when the *Norman Kings* asserted all the *Rights* of *Sovereignty* with great Zeal, yet they never pretended to appoint any *Commissioners* for *Ecclesiastical Causes*, but still referred them to *Parliament.*

In the Reign of King Henry *the Third.*

The next Instance the Lord *Coke* brings, falls as low as the *Time of* Henry *the Third.* The first whereof is, *the King's granting a Writ of Prohibition, if any Man sued in the Ecclesiastical Court for any thing, of which by Allowance and Custom, it had not Lawful-cognizance.* But how doth the *King's Power* of *granting Prohibitions*, prove his *Ecclesiastical Jurisdiction?* It effectually proves the *King's Right* to preserve his *Crown and Dignity*, as the *Prohibition* implies; but how doth it hence appear, that the *Ecclesiastical Jurisdiction* comes from his *Crown and Dignity?* The contrary seems rather to follow, *viz.* That *the Ecclesiastical Courts* were held from another Power; but all Matters of Temporal Cognizance did belong to the Crown. There is no Question but since the Acts for restoring *Jurisdiction* to the Crown, the Supreme Jurisdiction both in the *Ecclesiastical and Civil Courts*, is derived from the Crown.

Crown. And in whoſe-ſoever *Names* the *Courts* are kept, the *Authority* of keeping them is from the King. For it is declared by Act of Parliament, 1 *Eliz.* 1. 17. *That all Eccleſiaſtical Power is united and annexed to the Imperial Crown of this Realm*; which all Biſhops do own, *in taking the Oath of Supremacy*; and therefore the old Form continuing, can ſignifie nothing elſe againſt *the Law of this Realm* and their own *Oaths*. But as long as the main Points were ſecured by the Laws, there was no neceſſity apprehended of altering the Forms; for, on the other ſide, it was objected, that ſince the Laws, had placed all Juriſdiction in the Crown, it ſeemed as unreaſonable to continue the old Form of Prohibitions *in læſionem Coronæ & Dignitatis Regiæ*; how can this be, ſay they, when the *Juriſdiction Eccleſiaſtical* as well as *Civil*, is owned to be from the Crown? It is ſaid in Anſwer, That, *a Prohibition implies that the thing is drawn into* aliud Examen than it ought to be, and this is *contra Coronam & Dignitatem Regiam*. Why not then as well when an *Eccleſiaſtical original Cauſe* is brought into a *Temporal Court*? for that is *aliud Examen* then, by Confeſſion on that ſide; and if *Eccleſiaſtical Juriſdiction* be derived from the Crown, the *aliud Examen* muſt relate only to *the Court*, and not to *the Crown*. All that I infer from hence is, That the old Forms were thought fit to be continued; and both Parties reconciled them as well as they could to the Laws in force.

Coke 2 Inſt. *f.* 602. But the Judges confeſſed, That *although de jure both the Juriſdictions were ever in the Crown, yet the one was ſometimes uſurped by the See of* Rome, which is a plain acknowledgment, that by the Matters of Fact in thoſe times, the *Right* could not be proved; and eſpecially in the times of *H.* 3. when the Pope's Uſurpations here, were at ſo great a height, that the King upon *Writs* of *Enquiry* ſent into the ſeveral Counties, found, That *the Revenues of the* Roman Court, *by Proviſions, Extortions*, &c. *exceeded the Kings*. And the King had ſo little Authority left, that the Pope put Biſhops upon him *Rege penitus irrequiſito*,

Mat. Weſt. *f.* 320. ſaith *Mat. Weſtm.* ſo that he was ſo far from *Eccleſiaſtical Juriſdiction*, that he had not the *Nomination* of his *Biſhops*, nor ſo much as a *Conſent* to their *Election*, unleſs the Pope thought fit ſometimes to gratifie him in it. For the Pope pretended to the *Right* of *Diſpoſal* of Church Preferments, by Vertue of his *Ordinary Juriſdiction*, which was ſaid to be two fold. 1. *Voluntary*, in the Collation of Benefices. 2. *Judicial*, in the hearing of Cauſes; the former might be done at *Rome*, but the o-

Bract. *l.* 5. *p.* 5. *c.* 15. ther in the *Ordinary Eccleſiaſtical Courts*. And *Bracton*, who was a Judge in his time, owns the Pope as much to have *the Eccleſiaſtical Juriſdiction*, as the King had the *Temporal*; but yet he adds, That, *if an Eccleſiaſtical Judge did meddle with Matters out of their Cognizance, the King's Prohibition did lie againſt him, and he ought to ſuperſede his Proceedings till it were tryed in the King's Court, to whom the Juriſdiction belonged*. But it is ſtill harder to prove *the King's Eccleſiaſtical Juriſdiction, becauſe the Spiritual Courts were to certifie the Kings Courts, in caſe of Bigamy, Baſtardy, and ſuch like*. For the Queſtion is not about their *Temporal Subjection* to the King in ſignifying the *Sentence of the Court*, but whence they derived their Authority of holding the *Eccleſiaſtical Courts*; over which *Bracton* ſaith, *the Pope had the ordinary Juriſdiction, and the Power to delegate others to execute it*.

What doth it ſignifie to the *Kings Eccleſiaſtical Juriſdiction, that the Barons of* England *would not receive that part of the Canon Law which concerned the Legitimation of Children born before Wedlock?* For it de-

depended upon the *Barons Conſent*, Whether a Canon of the Church ſhould be made *the Law of the Land* concerning *the Rights of Inheritance.*

In the Reign of King Edward I.

In the Time of *Ed.* I. we may expect ſome briſker Sallies towards the Kingdoms Deliverance from the Pope's Uſurpations, which were thought ſo intolerable even by the *Monkiſh Hiſtorians*, in his Fathers Reign.

What *that Bull* was, *the bringing whereof the Law-Books ſay, was then adjudged Treaſon*, it would have been worth our while to have known. For it is hard to imagine that at that time, the meer *bringing a Bull*, ſhould be ſo Capital a Crime, when ſo many were brought without danger both before and after. But it ſeems by the Certificate of the Judges concerning it (ſtill in the *Tower*) the Matter of it was very prejudicial to the Crown. And it argues no Spiritual Juriſdiction for Princes to examine and refuſe (when they ſee Cauſe) *Bulls that come from* Rome. For this is practiſed in thoſe Countries which profeſs Obedience to the *Pope's Juriſdiction*. *Covarruvias* affirms it of *Spain*. In *Portugal*, when *John* the Second would have given up that Right to the Pope, *the Eſtates of the Kingdom would not permit him*. *Peter* the Second, Duke of *Britain* forbad receiving *any Bull before Examination by his Council, under pain of Corporal Puniſhments, and Confiſcation of Goods*. *Ant. Faber* ſaith, in *Savoy*, *No Bulls have Authority there, till they are approved by the Senate, and an Appeal lies from them, tanquam ab Abuſu*. Even in *Naples* it ſelf, *Ferdinand* the *Catholick King*, gave a ſevere *Reprimand* to his *Vice-Roy*, for not hanging up a Perſon *who would have executed a Bull without his Authority*. The Letter it ſelf is Publiſhed in the *Jus Belgarum*; where many other things may be ſeen to the ſame purpoſe.

L. Aſſiſ. 30. *E.* 3. *pl.* 19. Brook. Tit. *Pr. pl.* 10.

Covarruv. *Part.* 2. *c.* 35. *n.* 5, 6.

Jus Belgar. *p.* 70. Cod. Fab. ad Tit. Cod. de Appel. ab abuſ. Def. 3, 4. *P.* 72.

The Right of Patronage is a Civil Right in Princes as well as others; and therefore *E.* 1. without pretending to *Eccleſiaſtical Juriſdiction*, might juſtly puniſh the *Archbiſhop of York* for his obſtinate refuſing to admit the King's Clerk becauſe of a *Papal* Proviſion.

The *Statute of Bigamy* might very well be interpreted in *Parliament*, and yet the King have no *Eccleſiaſtical Juriſdiction*. For it was no more than declaring in what ſenſe a Law ſhould be taken, *i. e.* Whether it ſhould extend to *Bigamy* before the Conſtitution of the *Council* of *Lyons*, or after.

The Act of *Parliament* made at *Carliſle*, 35 *E.* 1. againſt *Aliens poſſeſſing Benefices*, is no more than hath been done in Countries where the Popes Juriſdiction is the moſt owned. As in *Spain*, *Covarruvias* ſaith, *They have Preſcription and pragmatical Sanctions againſt Aliens poſſeſſing Benefices*. The Laws of *Poland*, and many *Edicts* in *France* exclude *Strangers*.

Covar. Prat. 2. 35. *n.* 5. Stat. Polon. *p.* 207, 208. Pre. de Libertes del'Egliſ. Gal. *vol.* 2. *c.* 30.

But I ſhall now produce ſome conſiderable *Precedents* in the time of *Ed.* 1. to ſhew, that the Proceedings againſt the *Archbiſhops* and *Biſhops* for Miſdemeanors or Contempts, was in Parliament, and not by Commiſſioners (the inferior Clergy being left to the Juriſdiction of their Ordinaries.)

3 *Ed.* 1. *E. Warren* complained to the King, That the *Archbiſhop of* Canterbury *had contemned his Orders in not taking off Excommunication from ſome of his Servants*: The King ſends to him to proceed no further againſt the Earl or his Servants *uſque ad Parliamentum*, where the Mat-

ter

ter of Contempt might be debated. But in the mean time the Archbiſhop ſends to the King a true Account of the Matter, and how far he was from Contempt; which is ſtill extant in the *Records* of the *Tower*.

Clau. 7 E. 1. 7 *E.* 1. *John Peckam*, Archbiſhop of *Canterbury*, was ſummoned to *Parliament*, to anſwer to a *Charge of Miſdemeanors* againſt him, for ſome Paſſages in the Council at *Reading*; which he was fain to revoke, and to declare that no Articles there paſſed, ſhould create any Prejudice to the Crown or Kingdom.

8 *E.* 1. The Archbiſhop went about to *Viſit the King's Free Chappels*: The King hearing of it, ſent a Writ to him, to forbear, *uſque ad proximum Parliamentum*; *ut tunc ex unanimi & mutuo conſenſu provideamus quid fieri debeat in Præmiſſis.*

Placit. Parl. 21 E. 1. *f.* 135. 21 *E.* 1. *John Roman*, Archbiſhop of *York*, was Attached upon a Contempt for Excommunicating the Biſhop of *Durham*, while he was in the King's Service. And after a full Hearing *in pleno Parliamento*, he was condemned, and upon Submiſſion, was Fined to the King four thouſand Marks.

28 *E.* 1. A Controverſie aroſe between the King and the Biſhop of *Chicheſter*, about his refuſing to admit a Perſon preſented to a Prebend in the *Free Chappel of Haſtings*; the King ſends his Writ to the Warden of the Cinque-Ports (extant in the Tower among the Writs of that Time) to enquire into this Matter, and to bring an Account *next Parliament*, *ad quod prædictum Epiſcopum adjornavimus*, are the Words of the *Writ*: And that the Buſineſs was heard in Parliament, appears by the Records.

Placit. Parl. 28. E. 1. *f.* 227.

Clauſ. 31 E. 1. *m.* 6. 31 *E.* 1. The King ſeized on the *Temporalties* of the Biſhop of *Durham*, upon a Judgment given againſt him in Parliament, for extending his Spiritual Juriſdiction too far; as appears by the Record of the Concord made between the King and him.

In the Reign of King Edward *the Second.*

In the Reign of K. *E.* 2. nothing is produced but the Statute 9 *E.* 2. *for Regulating the Proceedings between the Civil and Eccleſiaſtical Courts.* But how the King's Eccleſiaſtical Juriſdiction is proved hereby, is hard to underſtand. It appears indeed, that the *Eccleſiaſtical Juriſdiction* is allowed and limited by Parliament. *But from hence*, ſaith he, *it follows, that theſe Laws may be called the King's Eccleſiaſtical Laws, or the Eccleſiaſtical Laws of* England.

There is no queſtion but they may: But there is a Difference between Laws, ſo called by *Acceptation and Allowance*; and ſuch as have their whole *Force* and *Authority* from the King. For otherwiſe, where the Pope's Juriſdiction is owned and received, the Pope muſt receive his Authority from the King. But a Liberty to exerciſe Authority, and deceiving Authority are two Things.

In the Time of *E.* 3. many things are alledged, and to no purpoſe; but yet a ſhort Anſwer will ſerve. If the firſt Inſtance doth hold, *viz.* That *the Sentence of Excommunication by the Archbiſhop, holds againſt the Sentence of the Pope or his Legate*, it only proves that the *Eccleſiaſtical Juriſdiction* here by Law is in the Archbiſhop, and not in the Pope or his Legate. But there may be another Reaſon, mentioned by *Fitz. Herbert*, viz. *That the Certificate of the Archbiſhop might be more authentick than the Seal of a Legate.*

16 E. 3. Tit. E. 1. *com.* 4.

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The second, sixth, and eighth only prove the *King Supreme Patron*, and a *Right of Patronage* is distinct from a Right of *Ecclesiastical Jurisdiction*; and so it was resolved in *Grendon*'s Case, Pl. *f.* 498. *That the King presents by Lapse as supreme Patron*, and not as *supreme Ordinary*: For this belongs to him as King, the Land on which Churches are built being originally held of him; and this *Right* the King enjoyed when the Pope was owned to be *Supreme Ordinary*. But in the Case of his own *free Chapels*, *Fitz-Herbert* saith right, *That in Case of Lapse by the Dean, the King presents as Ordinary*, the Archbishop and Bishop having no Authority there as Ordinaries.

The third, fourth and fifth are about *Exemptions from Episcopal Jurisdictions granted by the King*, especially in his own *free Chapels*, which are only visitable by *Commission* from the King. But this very Pretence of *Exemptions* from *Episcopal Jurisdiction* was founded upon the Belief of the Pope's being *Supreme Ordinary*; for exempt Places were not supposed to be free from all *Ordinary Jurisdiction*, but from that of *Inferior Ordinaries*, being immediately subject to the Pope. A *Bishop*, by the *Canon Law*, may grant an *Exemption* from his *Right* of *Jurisdiction*, but not from his *Right* of *Visitation*, but the Pope from both. And in the Grant of *Exemption* the immediate Subjection to the Roman See is expressed. As to the *King's free Chapels*, their *Exemption* was by an *express Bull of* Innocent *III.* to King *John*; and in the Case of the *free Chapel of St.* Martins, *Henry* III. granted a *Prohibition*, wherein it is inserted, *That it was a free Chapel*, & ab omni Jurisdictione Episcopali per Sedem Apostolicam exempta. And 45 *Hen.* 3. in a *Prohibition* concerning the *free Chapel of* Wolverhampton, the Grant of *Innocent* III. is repeated.

Lomed. de exempt. c. 3. n. 7.

Chart. 16. Joh. m. 9. Par. 22. H. 3. m. 10.

The Right to extra-parochial Tithes is *provisional*, and not by way of *Inheritance*; and so it may belong to the King, although he have no *Ecclesiastical Jurisdiction.*

As to the severe Proceeding about Bulls from Rome, I have given an Account of that already in E. 1.

The anointing of Kings proves no more their Capacity of *Spiritual Jurisdiction*, than it proves the *Kings* of *Israel* to have been *High-Priests.*

There is no doubt *the Ecclesiastical Courts may be limited by the Laws of the Land*; and there are some Causes which belong to them not originally of a Spiritual Nature, but they have been a long time possessed of them by *Custom*, and are allowed by Law; which is well expressed in 24 *Hen.* 8. *c.* 12. where it is said, *That all Causes Testamentary, Causes of Matrimony and Divorces, Rights of Tythes, Oblations, and Obventions, (the Knowledge whereof, by the Goodness of Princes of this Realm, and by the Laws and Customs of the same, appertaineth to the Spiritual Jurisdiction of this Realm) shall be determined within the King's Jurisdiction and Authority.*

It doth not seem probable, *That the King by his own Authority would remove Secular Canons, and put in Regular*; when *Hoveden* saith, in the same Case, *H.* 2. *did it by the Pope's Authority, and with the free Consent of the Parties.*

Hoveden, f. 320.

The *Statutes of Provisors* were excellent Statutes; but are said to be enacted for the Good and Tranquility of the Realm, which no doubt the King and his Parliament were bound to take Care of. But they prove no more *Ecclesiastical Jurisdiction*, than the *Pragmatick Sanctions*

of *Lewis* IX. and *Charles* VII. in *France* did, which were of the ſame nature.

The following Inſtances in other Reigns, are many of them of the ſame kind with thoſe already anſwered; but what ſeems to have any new Force ſhall be conſidered.

In the Reign of King Henry *the Fourth.*

2 *H.* 4. *c.* 15. is urged to prove, *That the King, by Conſent of his Parliament, did direct the Proceedings of the Spiritual Courts in Caſes of Hereſy, and other Matters more Spiritual*; but it is evident by the *Act* it ſelf, That the *Spiritual Juriſdiction* was left wholly to the Ordinaries, and only an *Inforcement* of it by the Civil Power was added by the Law then made; for the Words are, *Whereas the Dioceſans of the ſaid Realm cannot by their Juriſdiction Spiritual, without Aid of the ſaid Royal Majeſty, ſufficiently correct*, &c. *Therefore a Power to Impriſon and Fine was given to the Ordinaries*; who might before have proceeded by *Eccleſiaſtical Cenſures*: but theſe being contemned by them, the *Ordinaries* called in the *Aſſiſtance* of the *Civil Power*. If there had been a Power before to have proceeded againſt *Hereticks* by *Common Law*, when convict by their Ordinaries, I cannot ſee any Reaſon why that Law ſhould be made. *In Caſe of Apoſtacy*, i. e. Renouncing Chriſtianity, *Bracton* ſaith, *the Perſon convict is to be burned*; and he inſtanceth *in the Deacon who turned Jew, in the Council of* Oxford: And *Fleta* ſpeaks only of *Apoſtates, whether Clerks or others*, and thoſe are the *Miſcreants* in *Briton*; and in *Horn*, *Hereſy* was then the ſame with *renouncing Baptiſm, or turning Jew or Turk, or uſing Sorcery*. But after *Wickliff*'s *Time*, the *Ordinaries* enlarged the Notion of *Hereſie*, and took upon themſelves to be ſole Judges in it; and for all that I can ſee, the Act 2 *H.* 4. owns this to be part of their *Spiritual Juriſdiction*. And this is one Reaſon alledged for the Repeal of this Act, 25 *H.* 8. *c.* 14. becauſe there is no Declaration of *Hereſy* made in it, but it is left to the Judgment of the *Ordinary*. And therefore this Act was ill thought upon to prove the King's *Eccleſiaſtical Juriſdiction*.

Bract. *l.* 3. *c.* 9. *n.* 2. Flet. *l.* 1. *c.* 29. *n.* 7. Brit. *c.* 9. Horn. *ch.* 2. *Sect.* 22.

In *Henry* the Seventh's time the King is ſaid to be *perſona mixta, becauſe he hath both Eccleſiaſtical and Temporal Juriſdiction*. But this Argument is drawn only from ſome occaſional Talk, mentioned in the Year Books, 10 *Hen.* 8. 18. *Brian* ſaid, That a ſage Doctor of Law ſaid one time to him, That Prieſts might be tried at Common Law, *Car il dit, quod Rex eſt perſona mixta, car eſt perſona unita cum ſacerdotibus ſaint Eglyſe*. If all this be granted, it proves no more, than that the King hath Juriſdiction by his Law over Eccleſiaſtical Perſons; which is not diſputed.

CHAP.

Chap. III.

Whether the King's Supremacy by Law extends to the Dispensing with Laws; Of the Nature and Original of the Power; The Inconsistency of such a Dispensing Power *with the Frame of our Government.*

Having thus far proceeded in clearing the ancient *Legal Supremacy*; I am now come to an Instance of greater Weight and Difficulty, and which will therefore require more Pains and Care in the Examination of it, *viz.*

11 *H.* 7, 12. *By the Ecclesiastical Laws allowed within this Realm, a Priest cannot have two Benefices, nor a Bastard can be a Priest; but the King may by his Ecclesiastical Power and Jurisdiction dispense with both these, because they be* mala prohibita, *and not* mala per se.

Here we are to enquire into these things.

(1.) How far the King's *Power* and *Jurisdiction* did extend in the Cases mentioned.

(2.) How far the Reason here given will justify a *Power* of *dispensing* with Laws.

(1.) As to the Cases here mentioned; there is no doubt but the *Canonists* made the *Power* of *Dispensing* in these to be an Argument of the *Pope's Supremacy*, or the *Plenitude of his Power*: But doth it hence follow, That what Princes did to their own Subjects, as to the qualifying them for a *Legal Possession* of *Benefices*, must argue a *Supremacy* in them over Ecclesiastical Persons and Causes? And there is difference to be made between not receiving the *Pope's Canons* in particular Cases, and a *Power* of *dispensing* with *Ecclesiastical Laws*. If the Law were so then, as is noted by *Fineux*, in 11 *H.*7. 12. the plain Consequence is, That the contrary were no part of the Ecclesiastical Laws allowed within this Realm. As in the famous Case about the Canon Law concerning Bastardy, when the *Barons* said, *Nolumus leges Angliæ mutari*; No Man can say, That the *Barons dispensed* with the Pope's Ecclesiastical Laws; but that they refused to execute them; for, as it is well observed in *Standish's Case*, in *Kelway's Reports*, 7 *H.* 8. *Ecclesiastical Laws have no force, where the General Practice hath been contrary.* If this were no more than a private Opinion of *Fineux*, of what he thought the King might do, altho' there were no Precedent for it, then it signifies little; but if from hence it appears what the *Common Law* of *England* was, then it follows, That this was not received at that time for the *Ecclesiastical Law* of this Kingdom. And so *Hobart* in *Colt* and *Glover's* Case understands it, *f.* 147. for he produces this as an Instance, *That the Crown always kept a possession of its Natural Power*: And to this he adds, *a power of Commendam, or retaining a Benefice with a Bishoprick*, 11 *H.*4. 60. This he calls *a Power of Dispensation in Spiritualibus*: But with submission to two such great Men in the Law, *If the Crown always kept a Possession of these Rights*, there could be no *Dispensation* with the *Ecclesiastical Law* in these *Matters*, but an *Exclusion* of it.

As for Inſtance, The *Kings* of *France* do challenge many *Privileges* to themſelves in their Kingdoms, in plain *Derogation* to the *Canon Law*; and for theſe *Privileges* they plead an *ancient Right* of the *Crown*, or an *immemorial Cuſtom*: As in the great Controverſy of late Years, about the *Regale*, the Canon Law is expreſs, *That upon Pain of Excommunication, no Lay Perſon whatſoever ſhall preſume to meddle with the Profits of vacant Biſhopricks*; which was decreed by two Popes in ſeveral Councils; *Urban* II. in a Council at *Auvergne*, MXCV. and *Innocent* II. in a *Lateran Council* MCXXXIX. both entred in the Body of the Canon Law: And yet the *Kings* of *France* inſiſt to this Day on the *Rights* of *vacant Sees*, as belonging to them. But can this be pleaded as a *Diſpenſing* with the *Eccleſiaſtical Laws* allowed in that *Realm?* No; but that this part of the *Eccleſiaſtical Law* was not received there; for that partly by the *Feudal Right*, partly by the *Right of the Crown*, partly by *immemorial Cuſtom*, the Profits of vacant Biſhopricks accrue to the King.

C. 12. q. 2. n. 46, 37.

It is a harder Point to defend the *Regale*, where the Cuſtom hath gone along with the Canon; but if the Rights of the Crown be defended in *France* againſt *Cuſtom* and *Canon* too, our Kings cannot be blamed for reſuming other *Rights* after ſo long Uſurpation by the Popes. But where the *Canon Law* was not receiv'd in any part of it, there it hath no Force to oblige; and where there is no Eccleſiaſtical Law in Force, there can be no *diſpenſing* with it; for although the latter Canon Law doth void all *Cuſtoms* againſt the *Liberties* and *Privileges* of the Church, *Non debet in hac parte Canonibus, ex aliqua conſuetudine præjudicium generari*, yet when theſe Canoniſts come to explain it, they tell us, *That an immemorial Cuſtom hath Force againſt a Canon*; but how? Not *as a Cuſtom, but as it is a Proof of an ancient Privilege granted by the Pope*, although there be not the leaſt Footſteps of it: And ſo this Inſtance of *H.* 7. will prove, according to this Way, only ſome ancient Privilege our Kings had, and no *Eccleſiaſtical Juriſdiction* by the Right of the Crown.

c. Clerici. de Judiciis. C. cum terra de elect. C. 1. & ult. de Conſuet.

But whether the King could *diſpenſe* with the *Eccleſiaſtical Laws* in theſe Caſes or not, it is certain the Pope challenged to himſelf the *Power* of doing it.

For after that the Third Council of *Lateran* had ſtrictly forbidden Pluralities (which were then ſo common and ſcandalous) upon pain of Forfeiture, *Innocent* the Third complained in the Fourth *Lateran*, That *he ſaw little or no Benefit come by that ſevere Canon*; and therefore he ſeems to make one more ſevere, That *Whoſoever takes another Benefice, ſhall be deprived of the former* ipſo jure; *and if he ſeeks to keep it, to loſe the other.* Yet after all, this ends only in the *Pope's Power to diſpenſe as he ſaw Cauſe, with Perſons of greater Rank or Merit, and greater Preferments.*

De Multa de Præbend.

The Words are, *Circa ſublimes tamen & literatas Perſonas, quæ majoribus Beneficiis ſunt honorandæ, cum ratio poſtulaverit, per Sedem Apoſtolicam poterit diſpenſari.* Here the diſpenſing Power is fairly owned in the Canon it ſelf.

And in the other Caſe, of the *Incapacity of Prieſthood by Illegitimation*, the ſame ſtout Pope declares, That it was in his *Power* to diſpenſe with that too.

C. innotuit de Elect.

The Caſe was this; The Church of *Worceſter*, upon the Vacancy of the See, had choſen the Arch-Deacon of *York* for their Biſhop; he comes

comes to the Archbishop of *Canterbury* for Confirmation; but secretly confesses to him his *Illegitimacy*; (which came to the Pope's Ear.) Upon Application to the Pope for his Confirmation, he demurs upon it. He could not deny that he had all other Qualifications: But there was a Canon of the former *Lateran Council*, which voided the Election of all *Persons Illegitimate*. So then the Business is at at end. Not so neither. *His Predecessor could not hinder him from Dispensing in this Case; who had equal Power with himself. And there were many Reasons to induce him to grant him a Dispensation.* Why then did he not give one? There was something else to be done first. The *Dispensing Power* must be owned by the Church of *Worcester*: And therefore they must first intreat the Pope to *Dispense* with him, by a humble Supplication; and then expect his Favour by *Postulation*. And so, for the present he voids his Election.

Matt. Paris takes particular Notice, That in the Publication of the *Decretals* by *Gregory* 9. *This Power of Dispensing in these two Cases*, was looked on as a *great Innovation*; but such as brought great Advantages to the *Court* of *Rome*. Mat. Paris, ad *A. D.* 1235.

And the same Pope, saith *Matt. Westminster*, voided the Election of *John Bloud* to the See of *Canterbury*, *because he had enjoyed two Benefices with Cure of Souls, without a Dispensation*, And *Stephanus de Segrave* obtained, he saith, *of that Popes Nuncio here, a Dispensation of* Tot quot; *but it came to nothing by his Sons Death.* Matt. Westm. ad *A. D.* 1233.

Here we see a Power of *Dispensing* with *Ecclesiastical Laws*, publickly owned and entred in the Body of the Canon-Law; and that by virtue of the *Plenitude of the Pope's Power*, which could not be bounded by the Canons of the Church, nor by the Laws of his Predecessors; nor by the solemn Profession every Pope makes at his Entrance, to preserve inviolably the Canons and Constitutions of his Predecessors.

This made so great an Alteration in the State of the Church, that it is no wonder great Complaints were made of it; considering that the Consequence of such a Power, could be nothing less than a subversion of all Orders, and Canons, and Privileges; for there could be no Security of any of them any longer than it consisted with the Pope's Pleasure.

Hence came all the Complaint of *Non-obstante's*, by the *whole English Nation in Parliament*, *That by their means Oaths, Customs, Charters, Grants, Privileges signified nothing*; for the Pope could Dispense with his own *Oaths* and *Promises*, as well as other Mens; and so there could be no Trust in any thing he said or promised in never so solemn a manner. Which is an effectual course to overthrow any Government in the World. And it is a wonder, that after such gross and avowed Violations of the most solemn Engagements, Mankind did not renounce all kind of Society with him: For that is founded upon Trust in Compacts and Promises; and if those may be dissolved at Pleasure, there is no foundation of mutual Society left; there being no reason to expect the Performance of that from others, which they do not think themselves obliged to do. And so such a Power of Dispensing with *Obligations*, naturally tends to a Dissolution of Government. For it is sinking the main Pillars on which the whole Fabrick stands; which will tumble down sooner or later, upon the heads of those who do it. Mat. Paris, *A.D.* 1246. *p.* 649. *A.D.* 1251. *p.* 818.

But

But the great Argument then was, That *Supreme Power cannot be bound*; and therefore the Popes pleaded, whatsoever Canons or Laws their Predecessors made, they could not tie up them; because *Par in Parem non habet imperium*: So we find *Innocent* 3. argued in the Canon-Law. And to the same purpose *Matt. Paris* saith, That his Successor *Innocent* 4. did. But they did not attend to their own Professions, still extant in the *Liber Diurnus*, wherein they did declare in the most solemn manner, That *they would maintain the Canons and Constitutions of their Predecessors.* Which was an absolute Bar to all *Non-obstante's*, if they acted upon Principles of common Honesty among Men.

Mat. Paris, *A.D.* 1253. *p.* 873. Lib. Diurnus Pontif. 30.

But besides this, in *Privileges granted to others* upon valuable Considerations (which the Popes took care of) the Persons to whom they are granted, become Parties, and have a real Interest in them; so that they become of the *Nature* of *Contracts*; which cannot be broken without plain Injustice, and dissolving that Obligation between them.

It is agreed by the most Learned and Judicious Lawyers, That *when Grants or Promises do pass into the Nature of Contracts, they are irrevocable by the Parties that made them.* And this the best *French* Canonists do plead against the Pope's Power of revoking the *Gallican Liberties*, supposing them at first to have come from the Pope's Condescensions to them. And the same Reason will hold as to other Liberties.

Ferrand. Vasq. Cont. Fret. *l.* 3. *c.* 51. *n.* 2. Pet. de Marca, de Concord. Sacerd. & Imperii, *l.* 3. *c.* 10. *n.* 2.

But here lies the main Difficulty, to shew, When *the Grants that are made by Superiors, do pass into the Nature of Contracts*; so that they cannot be *Revoked* or *Dispensed with.*

The short of it is, When they are rather *Capitulations* than *Laws*. For *Laws* are properly the Commands of those who have Authority to oblige; and the Reason of the Obligation is drawn from the *Authority* of the Persons: But Capitulations proceed upon Consent of Parties having differing Interests; and these among private Persons, are called Contracts; and no one questions, but that such all Men are by natural Justice bound to perform.

But the Popes insisted on the *Plenitude of their Power*; and a Question is put among the Canonists, and variously debated: Whether *if the Pope swear to some things in the Conclave, as that he will hold a General Council within such a Time, he can Dispense with himself, or not?*

Some say, he is guilty of Perjury, and cannot absolve himself, although he should apprehend that a greater Good would come by not keeping it. For that both *Pope and Emperor are bound by their own Contracts*; the keeping of them being a part of *Natural Justice*, which no *Plenitude of Power can Dispense with*; since all Contracts give a Right to the Persons with whom they are made; insomuch, that *Baldus* his Authority is cited by them for these Words, *Contractus qui fiunt cum Principe, habent naturam bonæ Fidei contra Dominum*; and he goes so far as to say, That *the Sovereign Power is so obliged by the Contracts made by Princes with their own Subjects, that they are not revocable by themselves or their Successors: And if they were not obliged by their own Contracts, no Man could trust them; and consequently all Society with them, would be dissolved.* And whatever Supreme Power may do, as to such Acts as are properly its own, yet where there is *Jus quæsitum alteri* (as in all Contracts there is) that cannot be taken away by it.

Baldus, in c. 2. §. Siquis vero de Pace Const. In. *l.* Digna vox. In *l.* 1. F. De Const. Princip. Jacobat. De Conciliis, *l* 7. *f.* 320. C.

But

But all this was anſwered on the other ſide, by the Plenitude of the Pope's Power; for it was a Contradiction, they ſaid, to own that, and to ſay, That *there was any Engagement by Oath, or otherwiſe, which he could not Diſpenſe with.* For, as *Hank.* 11 *H.* 4. 37. ſays, *Papa omnia poteſt.* And therefore all ſuch Oaths and Promiſes as limit the Pope's Diſpenſing Power, are void in themſelves. And as to *Eccleſiaſtical Laws* or *Conſtitutions*, they eaſily reſolved all Difficulties about them, upon ſuch Principles as theſe. Hob. R. f. 146.

1. That *the Popes have the ſupreme Power in the Church.*
2. That *the Eccleſiaſtical Laws were the Pope's Laws.*
3. That *it is an inſeparable Prerogative in the Pope to Diſpenſe with Eccleſiaſtical Laws upon Neceſſity and urgent Occaſions.*
4. That *the Pope is the ſole Judge of that Neceſſity.*
5. That *this was not a Truſt given to the Pope by Councils or Conclaves, but by God and St.* Peter, *and therefore cannot be taken away from her.*

But I ſhall endeavour to give a clearer Light into this Matter, by ſhewing the ſeveral Steps and Degrees how this *Diſpenſing Power* came into the World, and how it paſſed from the Eccleſiaſtical to other Laws, when Princes aſſumed ſuch a Plenitude of Power in *Civils*, which the Popes practiſed in *Eccleſiaſticals.*

The firſt time we read of *Diſpenſations* was with reſpect to the Ancient Canons of the Church; and it implied a *Relaxation of the Rigour of them*; not with reſpect to their Force or binding Power, but as to the Penance which Perſons were to undergo for the Violation of them. And herein the Notion of *Diſpenſing* was very different from what the Canoniſts made it afterwards, when they declared it to be *a Relaxation of the Law it ſelf*; ſo that it ſhould not have that Force upon the Conſcience which it otherwiſe had: For, a Diſpenſation with them, is *a Licence to do that which they cannot lawfully do without it*; and that with a *non-obſtante* to that which otherwiſe makes it Unlawful. *De Jure illicitum fit ex Diſpenſatione licitum, & hic eſt proprie effectus Diſpenſationis*, ſaith *Pyrrhus Corradus*; who gives a large Account of the Practice of *Diſpenſations* in the Court of *Rome*, which conclude with a *non-obſtante* to any former Conſtitutions or Canons of Councils: But no ſuch thing can be found in the Ancient Practice of the Church, becauſe the Popes themſelves were then believed to be under the Canons. But when it was ſuppoſed, That the ſevere Execution of the Canons would rather hinder than advance the Good of the Church, the Governours of it thought they had ſufficient Authority to abate the rigorous Execution of them: As about the *Times* of *Pennance*, the *Tranſlation* of *Biſhops* from one See to another, the *Intervals* of *Orders*, and ſuch like. But the Popes then pretended to be ſtrict Obſervers of the Canons, when the particular Biſhops took upon them to Diſpence with the Execution of them; as appears by *Ivo*'s Preface to his *Collection of Canons*, where he diſtinguiſheth the Immoveable or Moral Precepts from the Canonical; which he calls Moveable. In the former, ſaith he, *no Diſpenſation* is to be allowed; *But in thoſe things which only concern* Diſcipline, *the Biſhops may diſpenſe, provided there be a Compenſation*, i. e. That the Church's Intereſt may be better ſecured or advanced thereby, as he there diſcourſes at large; And his Rule is, *Ibi Diſpenſatio admittenda eſt, ubi rigor periculoſus eſt*: But by this means the Severity of the Primitive Diſcipline was quite loſt. C. 1. q. 7. ſect. niſi rigor. Praxis Diſpenſ. Apoſtolicarum Auctore Pyrrho Corrado. C. 7. q. 1. c. Petiiſti. Ivo. Epiſt. 236.

The

The Biſhops of *Rome* obſerving this, thought it a proper time for them to appear zealous for the ancient Canons, which gained them a great Reputation in the World; and by this means the Cuſtody of the Canons was looked on as their particular Province: Which they improved ſo well, that at laſt they turned the Guardianſhip of the Canons into a Power over them; and then they found Fault with the Biſhops Diſpenſing with them, for another Reaſon, *viz.* Becauſe the Diſpenſing Power was a Prerogative of the *Roman See*, and inferiour Biſhops could act no farther in it than they had Authority from it.

Bernard de conſider. ad Eugenium, *l.* 3.

We find that in St. *Bernard*'s time, the Pope did take upon him to Diſpenſe too far, to his great Diſſatisfaction; for *by his Diſpenſing Power*, he ſaith, *he overthrew the Order of the Church*; Murmur Loquor, *ſaith he*, & querimoniam Eccleſiarum. The Pope diſpenſed with the *Eccleſiaſtical Laws*, in *Exemptions of Abbots and others from that Subordination* they ſtood in to their proper Superiors: He ſaith, *He could not ſee how this Diſpenſing Power could be juſtified: You do indeed ſhew a plenitude of Power, but it may be not of Juſtice; you ſhew what you can do, but it is a Queſtion whether you ought or not; and you ought to conſider, firſt, Whether it be lawful; then, Whether it be decent; and laſtly, Whether it be expedient.* At laſt, he allows a *Diſpenſing Power* in two Caſes, *Urgent Neceſſity, and Common Good*; otherwiſe he ſaith, It is not *fidelis Diſpenſatio, ſed crudelis Diſſipatio*, an overthrow of all Order and Government. In one of his Epiſtles he ſpeaks ſharply againſt getting a Diſpenſation to do that which it was not lawful to do without one: And he thinks he hath diſproved it by invincible Reaſon, for a Licence from the Pope can never make that Lawful, which without it were Unlawful.

Bernard. *Epiſt.* 7.

When the Practice of the *Diſpenſing Power* grew more common, there were two great Queſtions raiſed concerning it; whether if a *Diſpenſation* were granted without *Juſt Cauſe*, it were *Lawful* or not? And whether if it were not *Lawful*, yet it was *valid?* There were ſome who flattered the *Diſpenſing Power* ſo much, that they allowed it in all Caſes, whether there were a juſt Cauſe or not: Theſe were the high flown Canoniſts, who reſolved all *Laws* into Will and Pleaſure: But others, who allowed a *Diſpenſing Power* upon a Juſt Cauſe, yet thought it repugnant to the Original Deſign of Government, for thoſe who are entruſted with Care of the Laws to Diſpenſe with them, without ſuch a Cauſe as anſwers the End of Government: And ſome went ſo far, as to deny any Validity in a Diſpenſation granted upon Pleaſure; for as an unjuſt Law hath no Force, ſo, ſaid they, an unjuſt Diſpenſation of a Good Law hath none.

Suarez de legibus, *l.* 6. c 18, 19. Vaughans. Suar. c. 18. *n.* 6.

Upon this Point two great School-men differ. *Suarez*, whom the Lord Chief Juſtice *Vaughan* commends for his Learning in this Matter, goes upon theſe Grounds,

1. That a Prince is not *Dominus, ſed Diſpenſator Legum*; although the Force of a Law depends upon his Authority; and therefore in Diſpenſing with a Law he doth not Act by *Abſolute Power*, but by *Adminiſtration:* For he is not *Lord over the Community, but Governour.*

n. 26.

2. That for him to *Diſpenſe* in a Law made for the *Community*, without a *juſt Cauſe*, is not only *malum quia prohibitum, ſed ex ſe, & ex natura rei & ſemper malum:* Therefore *Suarez* was far from thinking a Prince might Diſpenſe with any thing that was not *malum in ſe*; for he makes

makes it to be so, for him to dispense with a *malum quia prohibitum*, if it be prohibited by a Law made for a publick Good, and there be no just Cause for it.

3. That although a Prince sins in *dispensing* with such a Law, yet his *Dispensation* holds as to the *Force* of the *Law*; which he supposes to depend *on the Will of the Prince*; and therefore his Will being altered, the Obligation ceaseth as to the Persons dispensed with. C. 19. n. 6.

4. That altho' such a *Dispensation* holds as to the Law, yet he thinks a Prince bound in Conscience to *revoke* such a *Dispensation*, because it is unlawful for him to persist in such a Will, it being repugnant to the *Common Good*, and the *Obligation* of his *Duty*. n. 9.

5. That if such a *Dispensation* be to the Injury of a third Person, then it is void in it self, as being repugnant to *Justice*. n. 10.

Vasquez saith, *They are all agreed, That no Prince hath a Power to dispense with his Laws according to his Pleasure*, or *because they are his Laws*: But he saith, *There is a Dispute, Whether an unlawful Dispensation be valid or not? And he thinks not; and that a Man's Action after the Dispensation is as faulty as if there had been none.* His Reason is, *Because a Prince is bound by his own Laws, so that he cannot dispense with himself as to the Obligation of them; for if he could at Pleasure dispense with himself, he could never be bound; for how can a Man be bound to keep a Law, in which he can dispense with himself when he pleases? And if he cannot dispense with himself, much less with any under him.* Vasq. 1. 2. Disp. 178. c. 4. n. 34.

Having thus endeavoured to clear the *Nature* and *Original* of the *dispensing Power*, I now come,

(2.) To the *Reason* assigned by Sir *E. Coke*, from the *Year Books*, why the King may dispense with Laws, because they be *mala prohibita*, and not *mala per se*.

My Lord *Vaughan* said right concerning it, *That this Rule had more confounded Mens Judgments on this Subject than rectified them.* Vaugh. R. f. 332.

Which I shall make appear by shewing,

I. That it alters the Frame of our Government.

II. That it takes away all Security by Law.

III. That it contradicts the Sense of our Nation in former Ages.

IV. That the Rule is contrary to the Precedents in *Law*.

1. That it alters the Frame of our Government.

For it goes upon a very false Ground, *viz. That the King may dispense with any thing which is not evil in its own Nature, or antecedently to any Human Laws*; which is to suppose the whole *Legislative Power* to be lodged in the Person of the King.

For all who understand these Matters do agree, That a *Power* to *dispense* with *Laws*, is the same with a *Power* to *make* them.

Dispensare, hoc est, lege solvere is solus potest, qui ferendæ abrogandæq; legis potestatem habet, saith *H. Grotius*. Grot. de æquit. Indulg. & facilitate, c. 2. n. 10.

Suarez saith, He hath the Power of *dispensing*, *qui legem tulit, quia ab ejus voluntate & potentia pendet.* Suarez de leg. l. 6. c. 14. n. 2.

Vasquez, That the dispensing Power lies in him, *qui habet potestatem condendi & abrogandi legem.* Vasquez 1, 2 disp. 178. c. 2.

Pufendorf, That none can dispense with a Law, but such as have the Power of making it. Pufendorf de jure naturæ, & gent. l. 1. c. 6. n. 17.

But we need no Authorities in this Matter: For to *dispense* (in the Sense it is here taken) *is to take away the Obligation of a Law*; and whoever takes it away, must have the Power of laying it on. And there is

is no Difference between the *Diſpenſation* with a Law, and the *Abrogation* of it; but that a *Diſpenſation* is an *Abrogation* of it to particular Perſons, while others are under the Force of it; and an *Abrogation* is a *general Diſpenſation*, that being no more than a *Relaxation* of the whole Law, to thoſe Perſons who were bound by it before: But if a part of the Law be taken away, as to the whole Community, then it is called a *Derogation* of it; but if the Law be *relaxed* only for a limited Time, and under certain Conditions, then it is not an *Abrogation*, but an *Indulgence* or *Suſpenſion* of the Law.

To *diſpenſe with a Law* is more than to give an *equitable Senſe*, or a favourable Interpretation of a Law; for he that *interprets* a Law, ſuppoſes his Interpretation to agree with the Senſe and Deſign of the Law; he that *diſpenſes*, owns that which he diſpenſes with to be againſt the Intention of the Law, but that he hath *Power* to take away the *Force* of it, ſo far as he thinks fit.

He that ſaith, *Thou ſhalt not kill*, doth not reach to Legal Executioners of Juſtice, *interprets* the Law according to *Reaſon* and *Equity*: But when *God* ſaid to *Abraham*, *Go and ſacrifice thy Son*, he muſt be ſuppoſed, by virtue of his *Supreme Authority*, to *diſpenſe* with the Law in his Caſe, ſo as to make that lawful upon his Command, which would not have been ſo without it.

Some will not allow this to be called a *Diſpenſation*, but an *Alteration of the Matter of the Law*; but when that Alteration comes from the *Authority* of the *Law Makers*, it is the ſame; ſo that to *interpret* a *Law* is an Act of *Diſcretion* and *Judgment*, but to *diſpenſe* with it of *Authority* and *Juriſdiction*. And none can therefore *diſpenſe* in the *Law of God*, but he that made it; all that the wiſeſt and greateſt Men can juſtly pretend to, is no more than to give the true Senſe of it; and it is intolerable Preſumption for any Creature to pretend to more.

An *equitable Senſe*, as to Human Law, is not always that which ſeems to be moſt favourable to thoſe who go againſt the Letter of it, but that which moſt enforces the End and Deſign of the Law, although it be not comprehended in the Words of it.

If a Law mentions a Crime of a leſſer nature, in regard of Circumſtances, and in regard of thoſe Circumſtances, promiſes ſome Favour, (as Benefit of the Clergy) it can be no *equitable Senſe* to extend it to ſuch Acts which have worſe Circumſtances, becauſe the Ground of the Favour was the extenuation of the Fact by the Circumſtances: So that the chief Rule of *Equity* in the Interpretation of a Law, is to attend to the *Intention* and *Deſign* of it, more than to the bare Words.

The *Intention* and *Deſign* of the Law is not to be meaſured by particular and accidental Caſes, wherein ſome Inconveniences are to be born, but by the *Publick* and *General Good*, which more than makes amends for them; which is the Reaſon of that Maxim, *Better a Miſchief than an Inconvenience*; which is falſe, unleſs taken in ſuch an *equitable Senſe*.

There are certain Ways of Reaſon, which Mankind do allow in the *equitable Interpretation* of Laws, as, *That no poſitive Law muſt be interpreted againſt Natural and Divine Laws*: That *if Laws contradict each other, one or the other muſt loſe its Force*: That *no Caſe which overthrows a Law by neceſſary Conſequence, was ever intended to be allowed by it*; For that were to make a Law, and to give a Liberty to break it at the ſame time.

If

If a Law be deſigned for a *Publick Good*, and an Exception be afterwards made againſt it, as to the *Incapacity of ſome Perſons by it for publick Service*, which could not but be foreſeen and conſidered at the time of making the Law, there is no Reaſon that ſhould be alledged as a Reaſon for *Diſpenſing* with the Law, which was intended at firſt by the Law: For however the Caſe may be put, as to ſuch things which could not be foreſeen at the making of a Law, yet what was intended to be prevented by the making it, cannot in Reaſon be alledged againſt it; becauſe if there had not been other things to have over-balanced that Inconvenience the Law had never been paſſed.

There is no doubt but the ſame Power which makes a Law, may *Diſpenſe* with it if it ſees Cauſe; for if it can *Abrogate* a Law, as to the *whole Community*, it may as well *Diſpenſe* with it as to particular Perſons, and leave it in Force to all others.

The Queſtion then is, Whether a Prince aſſuming to himſelf a *Diſpenſing Power*, doth not thereby aſſume the *Legiſlative* too? Since it appears, That there can be no Power to take off the Obligation of a Law, but that which cauſes it, although it be with reſpect to particular Perſons; but if it amount to a General Suſpenſion of a Law, there can be no Queſtion to thoſe who underſtand what theſe things mean.

Our preſent Buſineſs was to ſhew, that if the King can *diſpenſe* with *Mala prohibita*, as ſuch, the *Legiſlative Power* muſt be reſolved into him, becauſe a *Diſpenſing Power* can be referred to no other: And if the King may diſpenſe with all *Mala prohibita*, he may diſpenſe with all juſt humane Laws. For no Law can be juſt which requires *Malum in ſe*; and therefore ſuch a Law being void of it ſelf, there can be no Exerciſe of a diſpenſing Power but concerning *Mala prohibita*. And if the King can therefore diſpenſe becauſe they are *only prohibited*, then from a Parity of Reaſon he may *diſpenſe* with *all Laws* that concern only ſuch things; and we cannot be ſecure of any Laws, but ſuch as forbid things that are *evil in themſelves*.

II. And this is my Second Reaſon againſt it, That it takes away all *Security* by our *Laws*, both as to our *Religion* and *Liberties*.

1. As to our *Religion*: I grant, that to take away *all Religion* is *Malum in ſe*; to take away the *true Religion* is *Malum in ſe*; but in a Nation divided about the *true Religion*, and where the Prince is of one Opinion, and the main Body of the Nation of another, concerning it, what Security can the People by this Rule have, as to the enjoying that which they account the true Religion, but the Prince doth not? The utmoſt we can ſuppoſe in this Caſe is, for ſuch Laws to be made, as they apprehend to be moſt effectual for this Purpoſe. But what Security can theſe Laws afford, if the Prince aſſume a Power of Diſpenſing with Eccleſiaſtical Laws? It is not poſſible they can have any, unleſs they can be ſecure he ſhall never exerciſe this Diſpenſing Power; for by it he may equally ſuſpend all Laws which relate to it; he may give a Diſpenſation to ſuch as are unqualified by our Laws, and put them not only into Places of Authority and Truſt, but into all Eccleſiaſtical Preferments as ſoon as he thinks fit, and that without any Check upon his Conſcience, becauſe thoſe whoſe Office it is to interpret the Laws, tell him, he hath ſuch a Power by Law to *diſpenſe with Eccleſiaſtical Laws*, although paſſed in the ſolemneſt manner, and with

a Deſign to give Security to the People concerning the preſerving their Religion.

And the higher this Point is carried, ſtill the leſs Security. For if it be thought ſuch a *Prerogative of the Crown, as voids all that is made againſt it*, then Laws ſignify juſt nothing: For every Law is a Limitation of unbounded Will and Power; and therefore Laws afford no manner of Security; for either they are void of themſelves, or may be made void when a Sovereign Prince pleaſes. And I think (as Men are) meer *Will and Pleaſure* will never be taken for an infallible *Security*.

But it may be ſaid, That *taking away the true Religion is* Malum in ſe, *and therefore by this Rule ſuch Laws cannot be diſpenſed with.*

Very true; we think ſo: But ſuppoſe a King of another Opinion, and that he ſhould think it good Service to deſtroy *Hereſy and Schiſm*, and thoſe are *Mala in ſe*; what Security can there be then from this Rule? For the ſame Perſons who aſſert the Diſpenſing Power, make the King to be Judge, not meerly of the Neceſſity and urgent Occaſions, but of what is *Malum in ſe*, and what not? Suppoſe then he ſhould look on our Religion as *Hereſy and Schiſm*, what poſſible Security can this Diſtinction afford us?

2. As to our *Civil Liberties*, which are founded upon our Laws, made by the *Conſent of King and People*. But if there be ſuch an inſeparable Prerogative in the Crown, as enables the King to *diſpenſe* with all *Mala prohibita*, what becomes of all the ancient Charters of Liberties? For no one can pretend that the contrary to them all are *Mala in ſe*. And if there be no farther Security than what this Diſtinction affords, we are in a very precarious Condition, as to all our Liberties.

I confeſs the Caſe is different as to the *Eccleſiaſtical Laws* mentioned in 11 *H.* 7. 12. and as to our *Civil Liberties*; becauſe theſe *Eccleſiaſtical Laws* had their Force as ſuch from a *foreign Power*; and as far as they were the Laws of the Kingdom, it was by a *Tacit Conſent* and *Acceptation*, and not by any ſolemn enacting of them. And as to ſuch as theſe, where the Laws were not received, and the things were no farther evil, than as they were prohibited by ſuch a foreign Power, there is nothing but what is reaſonable in the Caſe of 11 *H.* 7. 12. as it is in the Books.

But when this hath been extended to *Laws* which have paſſed in the moſt ſolemn manner by the *King in Parliament*, it is time not only to take notice of, but to ſet forth the *miſchievous Conſequences* of this Diſtinction, as it is ſo applied; for it leaves us under no manner of *Security* by our *Laws*.

3. It contradicts the Senſe of our own Nation in former Ages. Which I ſhall ſhew in a remarkable Inſtance about the *Statutes* of *Proviſors*, 35 *E.* 1. 25 *E.* 3. 13 *R.* 2, which were *prohibitory Statutes*. And it cannot be ſuppoſed that at that time, when the Pope was allowed to be *Head of the Church*, and conſequently *Supreme Patron* of the *Benefices* of it, that the Acceptance of a Title to an *Eccleſiaſtical Benefice* from him ſhould be thought *Malum in ſe*. But theſe *Statutes* being in force, I ſhall make it appear, that the King did own he had no Power to *diſpenſe* with them, but as the *Parliament* thought fit to allow it.

I begin with 15 *R.* 2. at a time *when the Kingdom was in quiet*, and however could not be in any diſturbance on the Account of the *Statute* of *Proviſors*, which the Nation deſired, and only thoſe who depended

on

on the Court of *Rome* oppoſed. But the *Court-Biſhops* ſuggeſted that it was for the King's Intereſt in dealing with the Court of *Rome*, to have a Power to *Relax* and to *Diſpenſe* with theſe *Statutes* as he ſaw Cauſe. Therefore the Archbiſhop of *York*, then Chancellor, propoſed it in the opening of the Parliament, as one of the things for which it was called, *viz. To find out a Temperament in that Matter, ſo as the* Pope *might not loſe his Right, nor the King his.* After this Matter was debated the Commons declare their Aſſent *en plein Parliament*, That *without prejudice to the Rights of thoſe who were in poſſeſſion by virtue of the Statute, the King by the Advice and Conſent of the Lords, might diſpenſe with the ſaid Statute, ſo as ſhould ſeem reaſonable and uſeful till the next* Parliament, *but ſo as the ſaid Statute be repealed in no Article of it.* And they reſerve to themſelves *the Liberty of diſagreeing the next* Parliament. And they conclude with a ſolemn Proteſtation, That *this was a Novelty not practiſed before, and ought not to be drawn into Example and Precedent for the future; and they deſire this* Proteſtation *might be Entred and Recorded in the* Rolls of Parliament; *which the King commanded to be done.* Doth this now look like a *Declaratory Act*, and *made in Affirmance of the King's* Diſpenſing Power? It might as well be ſaid, That an Act for *Reſtraining* the *Prerogative*, is made in *Affirmance* of it. It is true, there is a Diſpenſing Power granted, but with ſuch Reſtrictions and Limitations as ſhew, that ſuch a Power was not then thought to be inherent in the Crown. For, Rot. Par. 15. R. 2. *n.* 1. *n.* 8.

1. Why ſhould it be propoſed to the Parliament to grant it, if the King had it before? Did the King ever put it to the Parliament to grant him a *Power* to *Pardon Malefactors?* But in the caſe of *Diſpenſing* with a *Law*, it was not only propoſed but aſſigned, as one Reaſon of calling the Parliament.

2. Why *till the next Parliament*, if it were owned to be an *inherent Right of the Crown?* Would the Parliament go about to bound and limit an *inſeparable Prerogative* in ſuch a manner?

3. Why is it called *a Novelty, and a thing not to be drawn into example?* Was ever any thing like this ſaid of a *Declaratory Act?* The Natural Conſequence whereof is juſt contrary; that whereas ſome Juſt Right of the Crown hath been conteſted and denied, for the future it ought to be owned and ſubmitted to by all Perſons. It is hard to think of Words more inconſiſtent with a meer *Declaratory Act* than thoſe, *Ne ſoit trait en enſample nen Conſequence en temps avenir.*

4. If this were *a Declaratory Act*, what need it be repeated ſo often in Parliament afterwards? Were the Commons ſo forgetful of the King's Prerogative, as to need making ſo many *Declaratory Acts* about the ſame thing? Yet thus we find it about this *Diſpenſing Power*, as to the Statutes of *Proviſors.*

For 16 R. 2. The *Archbiſhop of York* again declared in the opening of the Parliament, That *one Cauſe of calling it, was to ſettle this Matter about Proviſors.* And the Commons again yielded, *The King ſhould have ſuch a Power to moderate it, as he ſhould with his Council judge expedient, but ſo as it be all laid open before the next Parliament, that they might upon good Advice agree to it.* Rot. Parl. 16. R. 2. *n.* 8.

17 R. 2. *Tydeman*, Abbot of *Beauley*, was by the Pope's Proviſion, made *Biſhop of Landaff.* But the King, notwithſtanding the former Proceedings, did not take upon him to Diſpenſe with the Statute, but left it to the Parliament; and his Diſpenſation was paſſed Rot. Parl. 17. R. 2. *n.* 22.

ſed by Act of Parliament, the King, Lords and Commons aſſenting thereto.

Rot. Parl. 20. R. 2. n. 21. 20 R. 2. The Commons in Parliament do again Aſſert, *de bon gre de leur parte en plein Parliament*, That *the King with his Council may diſpenſe with the Statute of Proviſors, as ſhall ſeem fit, ſo as the ſame be heard and examined the next Parliament, and ſo corrected as ſhall be thought convenient by the King, with the Advice of his Council in Parliament.*

Rot. Parl. 1 H. 4. n. 85. 1 *H.* 4. The Commons in like manner give their Aſſent, That *the King ſhould have the ſame Power of Diſpenſing with the Statute, which his Predeceſſors had, and to Repeal and Annul it, as ſhould ſeem expedient to him.* Which was no more than a General Diſpenſation. Yet notwithſtanding this was recorded in Parliament.

Rot. Parl. 2 H. 4. n. 26. n. 42. 2 *H.* 4. The Commons appearing before the King and the Lords, it was declared, That the Diſpenſation ſhould not extend to Cardinals or other Strangers. At the ſame Parliament a Petition was preſented to the King, That if any one did accept a Benefice by *Papal* Proviſion, againſt the *Statute*, and had his Pardon from the King for it; yet if he went about to diſturb the preſent Poſſeſſor, by virtue of his Proviſion, then his pardon ſhould be void, and he ſhould incur the Penalty of the Statute, to which the King gave his Aſſent.

Rot. Parl. 7 H. 4. n. 134. 7 *H.* 4. The King having granted *particular Licences* for *Diſpenſations* as to this *Statute*, and finding the great Inconveniences which came by them, he generally and univerſally revoked them, and promiſed in Parliament to find out ſome proper Remedy in this Matter.

Rot. Parl. ib. 7 *H.* 4. The King was moved in Parliament to Confirm that *Revocation*; but he then took time to conſider. But 9 *H.* 4. *c.* 8. the King reinforced in Parliament all the *Statutes* againſt *Proviſors*; as it is in Print.

Rot. Parl. 1 H. 5. n. 22. 1 *H.* 5. The Commons pray, That *the Statutes may ſtand in full force againſt* Proviſors; *and that no Protection or Grant made by the King to hinder the Execution of the ſaid Statutes, ſhall be allowable, or of any force; and whatever is done contrary to them, ſhall be null.*

The Anſwer is, *Let the Statutes be obſerved and kept.* But if the Statutes were to be ſtrictly obſerved, what *ſaving* can there be *to the King's Prerogative?* ſince the *Statutes* were *Univerſal*, and the *King's particular Grants* in this Caſe were the great Motive of the Commons Deſire to have them reinforced, in the beginning of this King's Reign: And theſe *Statutes* continued in full Force to the Time of *H.* 8. inſomuch, that Cardinal *Woolſey* was proſecuted by the King's Attorney, for offending againſt them by his *Legatine Power*, although he had the King's Aſſent to it, and he exerciſed it ſeveral Years by his Permiſſion. *Stephen Gardiner* in his Letter to the *Proctor*, ſaith, *That he obtained his Legatine Power by the King's Aſſent*: From whence he obſerves, *What Danger they may fall in, who break the Law with the King's Conſent*; for in the *Cardinal's* Caſe, he ſaith, *That becauſe his Legatine Power was againſt the Laws of the Realm, the Judges conclude the Offence to be ſuch as incurred the Præmunire: And this he Aſſerts was the Senſe of the Lawyers of that Time*; and for confirmation of it, he brought the Caſe of the Lord *Tiptoft, who ſuffered on* Tower-Hill, *becauſe in Execution of the King's Commiſſion, he had offended againſt the Laws of the Realm: And*

of

of many Judges who had Fines set on their Heads in like Case, for acting against the Law of the Realm by the King's Commandment.

But it is pleaded on the other side, *That the Commons*, 1 H. 5. *n.* 22. *put in the saving the King's Prerogative into their Petition concerning the Statute of Provisors, that it may stand in full Force: And this was an owning the King's Dispensing Power by all the Commons in Parliament, when they were in a high Debate with the Crown.* Short Account, p. 25.

This seems to have a good shew of Reason to any one that doth not consider the Practice of those Times, in Acts of Parliament; for the Petitions of the Commons, before 2 *H.* 5. were not taken entire and just as they delivered them; but several *Clauses* were inserted by the Court, especially such as seemed to preserve the *King's Prerogative*; which the Commons found so inconvenient, That the next Year, as Serjeant *Glanvil* observed, (and probably on the Occasion of these *Savings*, 1 H. 5. n. 15, and n. 22.) the Course was altered, and hath so continued. Rushworth's Collections, vol. 1. p. 574.

Therefore methinks so great Weight should not be laid on these *Savings*, as if they implied the owning the Dispensing Power, when the Design of the Law was against it. And the King's Answer is, *Let the Statutes be held and kept.*

I appeal to any Man's Understanding, whether *the saving the King's Prerogative* can be any other than a *General Clause* put in, without respect to the *Dispensing Power*; since the Petition is against the Exercise of it, and the Answer, *That the Statutes should be observed.* If they were observed, what Use of the Dispensing Power; for that lay in giving leave not to observe them? What strange Sense is this, The King promises, *The Statutes shall be kept, saving his Prerogative, that they may not be kept?* For they feared the not keeping them from such a *Prerogative:* and when the King therefore yields *that they shall be kept*, he doth give up such a *Prerogative*, or else he doth not answer their Petition.

The Truth is, when the Kings had got this Power into their Hands, tho' it were with such Limitations at first, yet they found Arts from time to time to keep it, till at last they were unwilling to part with it; as appears by *H.* 4. but upon the restless Importunity of the Commons it was laid down by him. And now in the beginning of *H.* 5. the Commons took Care to prevent its Rising in a new Reign; but he being a Prince not ready to part with any thing which looked like Power, was in probability, not easie to be brought to confirm the *Statutes* of *Provisors*, without some general Words of *saving his Prerogative*, which the *Commons* might yield to, that they might gain the main Point; since those Words could signifie nothing against the very *intention* and *design* of the *Law.*

IV. The *Precedents* in *Law* do contradict this Rule; as will appear by those which are produced by the Lord Chief Justice *Vaughan*, in the Case of *Thomas* and *Sorrel.* Vaugh. Rep. f. 337.

1. The King cannot Dispence with a *Common Nusance*, for, *The King*, he saith, *cannot pardon continuing Nusances; but the Penalty he may.*

The King cannot dispense with a Nusance to the High-Ways, by 11 H. 7. *he cannot pardon or discharge the Nusance, or the Suit for the same, the High-Ways being necessary for such as Travel*; but *Common Nusances* are not *mala in se*, which are not *Evils at Common Law*, (as some understand f. 339.

ſtand them) but things ſo *intrinſecally Evil, that no Circumſtances can make them lawful. Malum in ſe* is a *Moral Evil*, in its own Nature; and therefore can never be *diſpenſed* with; but a *Nuſance at Common Law* is but a *Natural Evil*, and all the *Moral Evil* of it lies in the *Prohibition* by Law: And yet in theſe, it is granted, That the *King* cannot *diſpenſe*: And the *Year Book* ſaith, *That a Licence to make a Nuſance in the High-Way were void*: For what Reaſon? Is it a thing forbidden by the Natural or Divine Law? Cannot the King, for his Will and Pleaſure, *Licence the making a Nuſance?* and yet is it poſſible for Men of Senſe to imagine, That he can by his Diſpenſing Power give leave to do ſuch things, as in conſequence overthrow our Laws and Religion? Doth the Law take greater Care of *the High-Way* than of our *Liberties* and *Religion?* This would ſeem ſtrange Doctrine to People of another Country, *viz. That by the Law of* England *the King hath no Power over the High-Way, to diſpenſe with a Common Nuſance therein, but he hath over the Laws made for the moſt Publick Good and Security of the Nation.* And truly this cannot but ſeem ſtrange to as many among our ſelves, as allow themſelves the *Liberty* of *thinking*; Doth *the Law only take care of Oxen and High-Ways?*

f 358. But it is well obſerved by the Learned Chief Juſtice *Vaughan*, That *Publick Nuſances*, are not *mala in ſe*, but *mala politica & introducta*; and *when a thing is ſaid to be prohibited by the Common Law the meaning is no more but that the Ancient Record of ſuch a Prohibition is not to be found.*

f. 333. *f.* 334. 2. *The King cannot pardon the Damage done to particular Perſons*, ſaith the ſame *Chief Juſtice, where the Suit is only the Kings, but for the Benefit and Safety of a third Perſon, the King cannot diſpenſe with the Suit, but by Conſent and Agreement of the Party concerned.* And again,

f. 335. *Penal Laws, the Breach whereof are to Men's particular Damage, cannot be diſpenſed with.*

f. 29. And the *Chief Juſtice Herbert* owns, *That the King cannot diſpenſe with Laws which veſt the leaſt Right or Property in any of his Subjects.*

Here we ſee, the Prerogative bounded, where the *Intereſt of particular Perſons is concerned*; but doth the Law take more Care of them than of the *Publick Intereſt*, and the Concernment of the whole Nation?

Short Account, p. 21. But I find another Diſtinction in this Caſe, *viz.* "There is *Bonum* "*Publicum*; and Laws made for that may be *diſpenſed with*; And there "is *Bonum ſingularem Populi*; and with *Laws* that concern that *the King* "*cannot diſpenſe.*

This is admirable Learning, if it be brought out of theſe Terms: And the meaning is, The King can do nothing to the *prejudice* of the People in their *private Capacities*, but he can do what he will with the *Publick*. I had thought, a Prince had been, in the firſt place, bound to regard the *good* of the *Publick*, and to take Care of the *ſalus Populi complicati*, (as it is called) *i. e.* as they are imbodied together, and not of the private *Intereſts* of particular Men, which can never be preſerved, when the Publick Safety is not ſecured.

V.R. *f.* 342. 3. It is granted, *That in Penal Laws, by Act of* Parliament, *where the Offenders are puniſhable at the King's Suit, but where the Offence is to the immediate Wrong of particular Perſons, and for which the Law gives them ſpecial Actions, the King cannot diſpenſe.*

Never

Never was Law more tender of the *Interest* of *particular Persons* than ours: But suppose a *penal Law by Act of Parliament* relates immediately to the *Publick*, and gives no particular Persons *any special Actions*; is such a *Law* therefore *dispensable*, because only the *publick Good*, and the *Safety* of the *Nation* are concerned? Which are not (it seems) to be valued with the private *Interests* of *particular Men*. They who affirm such things may be very learned in Book Cases, but they do not seem to have studied the *Jus Publicum*, as *Bracton* calls it, which concerns *Statum Reipub.* or the *political Law* of this Nation; which shews the great Respect which the *Good* of the *Community* ought to have above *private Interests*: But when Persons take up their Notions and Maxims from Laws relating to *Meum* and *Tuum*, they are very apt to judge of *publick Laws* according to those *Measures*. Bract. *l.* 1. *c.* 5. *n.* 2.

4. It is granted, *That the King cannot license a Baker, Brewer, or Victualler to break the Assize of Bread or Ale, nor a Miller to take more Toll than the Law appoints*, (therefore these are *mala prohibita*) *nor a Taverner to break the Assize of Wine*; *nor a Butcher to sell measled Swines Flesh, or Murrain Flesh*; *nor any Man to forestal the Market, by a* Non-obstante *of the Statute* de Pistoribus, *which prohibits all these under several Penalties.* f. 349.

Nor can he license Butchers, Fishmongers, Poulterers, or other Sellers of Victuals, nor Hostlers, to sell Hay and Oats at what Price they please, by a Non-obstante *of the Statute of* 23 E. 3. c. 6. *and* 13 R. 2. c. 8.

Still the Law is extreamly tender of us, as to *Meat* and *Drink*, and not only for our selves, but for our *Horses* too; so that the *King* cannot *dispense* with the Laws about them: And yet can we think so meanly of the Wisdom of our Ancestors, that they would take such Care of *Bread*, and *Wine*, and *Horse-Meat*, that the King himself could not inhance the Price of them; but that as to their *Laws*, which relate to the *Publick*, they were content to leave them to the *Will* and *Pleasure* of their Prince? No one that reads the *History* of our *Ancestors*, and the *Contests* they had with *Kings* to obtain their publick *Liberties*, could ever entertain such a Thought concerning them.

5. *If Foreign Manufactures or Foreign Corn be prohibited for support of the Natives, a Licence to one or more to bring them in, if general, is void by the Case of Monopolies. notwithstanding a* Non-obstante. f. 344.

This is certainly *Malum prohibitum*, and yet the King cannot *dispense* with it. And it is really a very hard Case, if the King cannot *dispense* with a *Monopoly* in Trade, and may dispense with a *Monopoly* in *Religion*, i. e. That notwithstanding all the Laws for settling our *Religion* at Home, he may grant a *Licence* to *Foreigners* to introduce another, although never so repugnant to our Laws; for none who understood our Affairs, could imagine, That this *dispensing Power* was set up for any other End.

But what shall we say to the *Precedents* on the other side? I shall pass by others, which have been sufficiently answered already, and only speak to that which above all others hath been declared to be the Foundation of the *dispensing Power*, and therefore deserves to be further cleared, and that is,

The Case of *dispensing with the Statutes about Mens continuing Sheriffs more than a Year*; which is urged as plain and concluding, because *it was for a publick Good, and preventing great Mischeefs*; *yet the King's Power of dispensing in this Case was allowed by all the Judges of* England, 2 *H.* 7. *and this hath been cited as adjudged in several Books of great Authority,* Short Account, *p.* 3.

thority, Fitz-Herbert, Plowden, Coke, *&c. and the Practice hath ever ſince been accordingly.*

This is the whole ſtrength of the Argument. And I ſhall not repeat what others have already ſaid, to ſhew that this was not the *Reaſon* of the *Judicial Sentence* then given; but the particular *Ground* of *one* of the *Judges, after they had declared the Patent to be good.* But however that were, it cannot be deny'd, that great *Lawyers* ſince that time have taken it to have been the Senſe of the Judges then. For *Coke's*
7 R. 14. Words are expreſs in *Calvin's* Caſe, *It is enacted by the Parliament of* 23 H. 6. *That no Man ſhould ſerve the King as Sheriff of any County above one Year, and that notwithſtanding of any Clauſe of* Non-obſtante *to the contrary, that is to ſay, notwithſtanding that the King ſhould expreſly diſpenſe with the ſaid Statute; howbeit it is agreed in* 2 H. 7. *That againſt the expreſs purview of that Act, the King may by a ſpecial* Non-obſtante *diſpenſe with that Act.*

Here it is plain, that in *Coke's* Opinion at leaſt, the Judges did agree, that although the King and Parliament had made an Act which made void any Grant with a *Non-obſtante*, yet that ſuch a Grant made afterwards, with a ſpecial *Non-obſtante*, was good.

I am not much concerned, whether it were their Opinion or not, becauſe I think there is much greater *Reaſon* and ſtronger *Authority* on the other ſide.

1. As to *Reaſon*: If a *Non-obſtante* from the *King* be good, when by *Act* of *Parliament* a *Non-obſtante is declared void*, what doth an *Act* of *Parliament* ſignifie in ſuch a Caſe? Muſt we ſay, *It is a void Clauſe?* But then to what purpoſe was it put in? Did they who made the *Act*, underſtand it to be a *void Clauſe* when they put it in? Certainly, it was then thought otherwiſe; and if it were ſo, we have the *Authority* of the *Parliament* againſt the *Opinion* of the *Judges*. If it were not *a void Clauſe* then, how came it to be ſo afterwards? What *Alteration* was made in the *Law of England* in that Interval, and by whom? How comes a *Clauſe* that had force in 23 *H.* 6. to have none, 2 *H.* 7? Could *Radcliff* or the reſt, by their Opinions deſtroy the *Force* of an *Act* of *Parliament?*

12 R. f. 18. No; But *Coke* ſaith, *No Act can bind the King from any Prerogative which is ſole and inſeparable from his Perſon; but he may diſpenſe with it by a* Non-obſtante, *as a Sovereign Power to command any of his Subjects to ſerve him for the Publick Weal, and this ſolely and inſeparably is annexed to his Perſon; and this Royal Power cannot be reſtrained by any Act of Parliament, neither in* Theſi, *nor in* Hypotheſi; *but that the King by his Royal Power may diſpenſe with it; for upon the Commandment of the King, and Obedience of the Subject, does his Government conſiſt, as it is provided by the Statute of* 23 H. 6. c. 8. *That all Patents made or to be made of any Office of a Sheriff,* &c. *for Term of Years, or for Life, in Fee Simple or in Tail, are void and of none effect, any Clauſe or Parole of* Non-obſtante *put or to be put into ſuch Patents to be made notwithſtanding. And further, Whoſoever ſhall take upon him or them to accept or occupy ſuch Office of Sheriff, by virtue of ſuch Grants or Patents, ſhall ſtand perpetually diſabled to be or bear the Office of Sheriff within any County of* England, *by the ſame Authority. And notwithſtanding that by this Act,* 1. *The Patent is made void.* 2. *The King is reſtrained to grant a* Non-obſtante. 3. *The Grantee diſabled to take the Office; yet the King by his Royal Sovereign Power of commanding, may command by his Patent (for ſuch Cauſes as he in his Wiſdom doth think meet and profitable for himſelf and*

and the Commonwealth, of which he himself is sole Judge) to serve him and the Weal Publick, as Sheriff for such a County, for Years or for Life, &c. *And so was it resolved by all the Justices of* England *in the Exchequer-Chamber*, 2 H. 7.

Here the Point is resolved into *an inseparable Prerogative in the King*, which no *Act of Parliament* can restrain, although made with his own Consent. Is there no *Act* of *Parliament* then, which this great Lawyer will allow to restrain *the King's Prerogative*, so as he cannot *dispense* with it? What saith he to the Case of *Buying Offices at Court?* Cannot the King, by virtue of his *Prerogative*, order his Houshold as he pleases, to dispose of Offices about him as he thinks fit? No. The same Lawyer saith, That *no* Non-obstante *could dispense with the Act against buying of Offices.* And yet one would think that the King had as great a *prerogative* in the *Court*, as over the *Kingdom.* 1 Inst. 234.

But how comes he to say, *That the King can dispense notwithstanding the Disability*, when elsewhere he saith, *The King cannot dispense in the Case of a Disability by Law?* For the Reason he gives why the *King cannot present* a Man to a Living who is convict of *Simony*, is because *the Law hath disabled him.* Very well. And yet in this Case, although the *Law hath disabled him*, the *King* may *dispense.* Where are we now? The *King* can *dispense* with a *Disability*, and he cannot *dispense* with it. This is indeed a very *dark learning of Dispensations*, as Chief Justice *Vaughan* well called it; for we cannot yet find the way through it. 1 Inst. 120. 3 Inst. 154.

Can the *King dispense with such a Disability in Law* or not? If not, the *Case of Sheriffs* is gone. If he can, then why not in the case of *Simony?* Why not, as to *sitting in Parliament without taking the Oaths?* No; here *is a Disability in Law.* What then? Cannot the King dispense with a *Disability in one Case* as well as *the other?* But the same Person saith, That in that Case, *because the Words amount to a Disability, the King cannot dispense*; and here, where the *Disability* is expressed, he may. 3 Inst. 154.

But we are lately told, there are two sorts of *Disabilities*; one is *actually incurred, as that upon the Members who sit without taking the Oaths*; and *the other is a Disability annexed to the Breach of a Law as a penalty, and that penalty not to be incurred before a Legal Conviction*; *and in this Case the King's Dispensation coming before the Conviction doth prevent it, by making that lawful which would not have been so without it. But when a Disability is actually incurred, it cannot be taken off but by Act of Parliament.* Short Account, p. 38. P. 30.

I answer, That if the *Law* which *makes the Disability*, doth allow of a *Dispensation* antecedent to the *Conviction*, then I grant, that the *Dispensation* before *Conviction* prevents the *Disability.* As in *Digby's* Case; if the *Dispensation* had come before *Institution*, the *Disability*, as to holding the former Living, had been prevented, because the Law doth expressly allow of a *Dispensation* in the Case. But here is no such thing. The Act of Parliament supposes no *Dispensation*, but makes an *utter Disability*, as to the holding the Office in Sir *Edward Hales* his Case; but a *dispensing Power* is set up against the *Act of Parliament*, and such a *Dispensation* neither before nor after *Conviction* can prevent a *Disability.* If it could, I can by no means see why it might not as well hold as to Members of Parliament, (at least as to the *Oath* of *Supremacy*) if they take their *Dispensation* before sitting in the House. For the *Disa-* 4 Rep.

bility doth not take place till they enter the *Parliament*, 5 Eliz. c. 1. *And he that entreth the Parliament without taking the ſaid Oath, ſhall be deemed no Knight, Citizen, Burgeſs or Baron, nor ſhall have any Voice, but ſhall be as if he had been never returned or elected.*

The Intention of the *Law* for the *Teſt* was a *diſability to hold the Office*; but it allows time for Perſons to qualify themſelves, as appears by the *Act* for the *Teſt*. Is not this plain overthrowing the *deſign* of the *Law*, for Perſons, inſtead of doing what the Law requires, to take out a *Diſpenſation* for not doing it, and ſo prevent the Diſability? And what doth a Law ſignify, when the very *deſign* of it is overthrown? And what is the Power of making Laws by common Conſent in Parliament, if without ſuch Conſent the whole force of the Law may be taken away by a *diſpenſing Power*? So that this doth not merely make Laws to ſignify nothing but according to *Will and Pleaſure*, but it makes our very *Conſtitution* inſignificant, which requires to every Law the Conſent of the People in Parliament.

Dionyſ. Halycarn. *l.* 2. As for Inſtance, By the *firſt Conſtituion* of the *Roman Government*, the *King had the Cuſtody of the Laws, but no Laws were to be made but by the Conſent of the Roman People in the* Curiæ, (thence called *Leges Curiatæ*. Would any one have thought this any Privilege, if after theſe Laws were paſſed, the King ſhould claim *an inſeparable Prerogative of diſpenſing* with them as he ſees Cauſe? For it is implied in ſuch a Fundamental Coutract as this, that Laws when made ſhould not loſe their Force without their Conſent who made them. Elſe it is no *Contractus bonæ Fidei.*

I will not diſpute whether this were the *Original Contract* of our Nation or not; but this I may ſay, That when our *Government* came to a Settlement after long ſtrugglings, this was one of the *Fundamental Articles* of it, That *no Laws ſhould paſs, or Burdens ſhould be laid upon the People but by their own Conſent in Parliament.* *Bracton* ſaith, That *a Law among us ſuppoſes the Authority of the Prince and Council, and Conſent of the great Men, and Agreement of the Common-wealth.*

Bract. *l.* 1. *c.* 1. *c.* 3. 1.

L. 1. *c.* 2. *n.* 6. And he adds further, That our Laws being thus made and eſtabliſhed, *mutari non poterunt, nec deſtrui ſine communi Conſenſu & Conſilio eorum omnium quorum Conſilio & Conſenſu fuerunt promulgatæ*: Which are very remarkable Words againſt a *diſpenſing Power*. For that doth imply *a Power to change the Law*, and in effect *to deſtroy it*, without the Advice or Conſent of thoſe that made it. He ſaith indeed, *The Law may be improved without their Conſent, i. e.* by the Judges *Interpretation* as to *parallel Caſes* not expreſſed. But if any *new or hard Caſe* happens, it ought, he ſaith, to be reſpited *uſque ad magnam Curiam, i. e.* to the Parliament, *ut ibi per Conſilium Curiæ terminetur*, that being the *Supreme Judicature* of the Nation.

Forteſcue, 2. *c.* 13. *f.* 32. *Forteſcue*, who very well underſtood our *Conſtitution*, ſaith, That *the King, although he be the Head of the* Political Body, *can neither change our Laws, nor take away* Property *without Conſent.*

C. 18. *f.* 40. And that our Laws are made, *not by the* Princes *Will, but by the General Conſent*; *Totius Regni Aſſenſu*: He ſaith, *They may be changed, but it muſt be, Non ſine Communitatis & procerum Regni Aſſenſu, quali ipſæ primitus emanarunt.*

C. 34, 35. He takes notice, That *ſeveral of our Kings did not like our Conſtitution, but Affected a more Arbitrary, and therefore approved the Civil Law for that Maxim, Quod Principi placuit Leges habet vigorem.* But he ſhews

our

our Constitution to be better *for King and People.* For here he saith, *The King levies no Taxes, nor alters Laws, nor makes new ones, sine Concessione vel Assensu totius Regni sui in parliamento suo expresso.* C. 36. f. 84.

But certainly dispensing with Laws, is altering them; not as to their Words, but as to the Intention and Design of them, which is the main thing in a Law; and he that alters the Law, as to any one, whose Case is common with others, may alter it as to all others in equal Circumstances. And what doth such a Law then signifie?

In the Charter of King *John*, the *Commune Consilium Regni*, was *to pass all Aids; and besides particular Summons to the Great Men, general Summons were to be given to others, to appear within forty days; and if they did not, Matters were to go on however.* This very Charter, as appears by *Matt. Paris*, was renewed, 9 *H.* 3. But he had learned the Trick of a *Non obstante* from his good Friend the Pope; and when he was urged with his own Grants, he said, *Doth not the* Pope *void his Grants with a* Non-obstante *? Why may not I do the same by the Grants of* my Self *and* my Predecessors? To whom a sharp Reply was made. *As long as he observed Justice in his Actings, he would be King, and no longer.* Which I only mention to shew, that the Use of a *Non obstante* was then looked on as a Violation of Justice. Matt. Paris, f. 854.

And so it must needs be, if our Laws, as *Bracton* saith, be *Communis Reipub. Sponsio*; for then they are of the *Nature of Contracts*, and when Laws are so, it is agreed by those who write of these Matters, although otherwise no Eenemies to a *dispensing Power*, That they are *not to be dispensed with* by a *non obstante.*

If a Prince makes a Grant of any thing wherein he hath power to oblige himself in Justice, it becomes, saith *Basilius Pontius*, *of the nature of a Contract, which gives a Right to those to whom it is made, and lays an Obligation of Justice upon him.* Basel. Pontius De Matr. *l.* 8. de dispens. *c.* 5. *n.* 7.

Where a Grant is made for the Benefit of others, and is accepted by them, it is not in the Granter's power to revoke it, as *Sanchez* shews from many Authorities. Sanchez de matr. *l.* 8. dispens. *c.* 17.

And the Lawyers are of the same mind, as appears by what is already produced out of *Baldus* and others; but I shall mention some who declare the Opinion of others.

Explorati juris est eas Constitutiones quæ in contractum transeunt ita ligare Principes ut iis derogare nequeant, saith *Geil. Buxtorffius.* *n.* 29. Buxtorff. in auream bullam, *c.* 1. *sect.* 7.

Gail saith, *That Princes are bound by all Grants made* per modum contractus de Jure Communi; and that is the general Opinion. Gail. *observ. l.* 1. *obs* 41. *n.* 4.

One of the latest Writers, *de Jure Gentium*, saith, *That Princes are more strongly bound by Laws, which pass by way of Contracts, than by any positive Laws made by absolute Power, although they relate to the weightiest points of Government.* Joh. Wolf. Textor de jure genr. *c.* 11. *n* 26.

That a Prince cannot grant a non-obstante *to such Laws as he hath sworn to observe* is not only the Opinion of other Lawyers, but of some of the highest Canonists: And it is a Rule among them, That no Clause of *non-obstante* can take away *Constitutionem Juratam.* Bellug. Spic Princ. rubr. 7. *n* 4. Hier. Grar. cons. 41. *n.* 21.

Where there is therefore not only a Contract with others in the passing of a Law, but an *Oath to observe the Laws*, I do not see how a *non-obstante* or a dispensing Power can take place. Rol a valle, *consil.* 62. *n.* 5. *vol.* 2.

2. We have the the advantage in point of Authority as well as Reason, as to this very Case of dispensing with the Statute of 23 *H.* 6. Celsus Hugo, de clausulis, *n.* 23.

For

For I take it for granted, That the Authority of Parliament is more to be regarded than the Opinion of Judges: And I think we have good Reaſon to believe, That the Parliament did not think this Act could be voided by a *non-obſtante.*

(1.) The Parliament that declared, any *non-obſtante againſt the Act to be void*, was certainly of that Opinion; or elſe they did a ridiculous thing, to put in a Clauſe which was *void of it ſelf.*

(2.) The Parliament, 28 *H.* 6. *c.* 3. was of that mind; for what need *an Indemnity by Act of Parliament*, if the King could by his Diſpenſing Power have made it lawful for the Sheriffs to continue?

(3.) The Parliament, 8 *E.* 4. 4. continued in the ſame mind, for, whereas in the beginning of his Reign *Sheriffs were continued more than a Year, by reaſon of the Trouble*, it was not then thought, (tho' in a Caſe of ſuch Neceſſity) That the King could *diſpenſe with this Law*; but they were *indemnified by Act of Parliament*, and the *Act declared to ſtand in full Force.*

(4.) The Parliament, 6 *H.* 8. *c.* 18. after the ſuppoſed Judgment, 2 *H.* 7. And in the time of a Prince who would loſe none of his Prerogatives, was ſtill of the ſame Judgment; for it not only recites the Statute, but particularly takes notice of the voiding all Pardons and *non-obſtante*'s; and *by an Act of Parliament indemnifies the Under-Sheriffs of* Briſtol, *and gives them the ſame Privilege which thoſe of* London *had.* What need all this, if it had been thought good Law at that time, that the King *might by his* diſpenſing Power *have given Sheriffs leave to have acted againſt that Statute*?

And now I leave any Man of Reaſon to judge, Whether this famous Caſe be a ſufficient Foundation for the ſetting up a diſpenſing Power, either as to a *particular Statute* made for the *Security of our Religion*, or for *a Suſpenſion of our Eccleſiaſtical Laws.*

CHAP. IV.

Of the Alterations made in the Supremacy, by the Statutes of Henry *the Eighth; whith an* ANSWER *to the* OBJECTIONS.

I Now come to the Alterations made in our Laws, about the King's Supremacy in the time of *Henry* the Eighth.

24 *Hen.* 8. *c.* 12. An *Act* paſſed, *for taking away all Appeals to* Rome, *which is founded on the King's Natural and Independent Right of Governing, and doing Juſtice to all his People; and the Sufficiency of his own Clergy, for Hearing and determining ſuch Matters as belonged to their Function; and therefore all Cauſes are to be Heard, Diſcuſſed, Examined, finally and definitively Adjudged and Determined within the King's Juriſdiction and Authority, and not elſewhere in the Courts Spiritual and Temporal: But if the King be concerned, then it is refeferred to the Upper Houſe of Convocation.*

The

The Preamble of this Act against Appeals to *Rome*, is considerable: *Whereas by divers authentick Histories and Chronicles, it is manifestly declared and expressed, That this Realm of* England *is an Empire governed by one Supreme Head and King*, &c. *with plenary, whole, and entire Power, Preheminence, Authority, Prerogative and Jurisdiction*, &c. *for final determination of Causes*, &c. so that here is an Appeal to ancient History in this Matter, and we have still sufficient Evidence of it before the Pope's Enchroachments prevailed.

The Bishops and Barons told *Anselm* in *William Rufus* his time, *It was a thing unheard of, and contrary to the Custom of his Realm, for any one to go to* Rome *without the King's Leave*; which is after explained *by way of Appeal*: *Anselm* made but a shuffling Answer to this, *although he had sworn to observe the Customs of the Realm*, and he could not deny this to be one; but he pretended, *It was against St.* Peter's *Authority, and therefore could not observe it*; *for this were*, saith he, *to abjure St.* Peter. From whence I infer, That the Custom of the Realm was then thought by *Anselm* to be inconsistent with the *Pope's Authority*: For whatever they talk of St *Peter*, it is the Pope they mean.

In the Reign of *H.* 1. the Pope complains grievously, *That the King would suffer no Appeals to be made to him*; *and that due Reverence was not shewed to St.* Peter *in his Kingdom*; *and that they ended Ecclesiastical Causes at Home, even where Bishops were concerned*; *and very learnedly quotes the decretal Epistles against them.* Eadmer. f. 113, 115.

Afterwards, the Pope sent his Legate, and the King denied him Entrance, and *the whole Parliament rejected it, as contrary to the ancient Custom and Liberty of* England. f. 118, 121.

That Passage in the Laws of *H.* 1. *c.* 5. which seems to allow of Appeals, is a mere Forgery, the whole Chapter being a *Rhapsody* taken out of the Canonists.

H. Huntingdon saith, *That Appeals were brought in King* Stephen's *time, by* Henry *Bishop of* Winchester, *his Brother being the* Pope's Legate. Hunt. f. 266.

By the Constitutions of *Clarendon*, *c.* 8. *the Appeal lay from the Archbishop to the King*, which is well expressed by *Robert* of *Gloucester*.

And the K. amend solde the Archbishops deed,
And he as in the Pope's *sted, and St.* Thomas it withsteed.

And although *H.* 2. in his Purgation for the Death of the Archbishop, did swear, *That he would hinder no Appeals to* Rome *in Ecclesiastical Causes*; *and that he would quit the ancient Customs of the Realm*: Yet *Hoveden* saith, *The Constitutions of* Clarendon *were renewed in the Parliament at* Northampton, *and the Justices in Eyre were sworn to observe them, and to make others observe them inviolably*: *And for those who went out of the Kingdom* (in case of Appeals) *the Justices were to enquire* per consuetudinem Terræ, *according to the Ancient Custom*; *and if they did not return and stand to the King's Court, they were to be outlawed.*

In the time of *R.* 1. the Popes complained much of *Geoffry*, Archbishop of *York*, for slighting Appeals made to *Rome*, *and imprisoning those that made them.* *Celestine* doth it twice, and in the same Words: And *Innocent* the Third, in King *John*'s time, renews the same Complaint of him, *That he shewed no regard to Appeals made to the Apostolick See.* Hoveden, f. 426, 433, 465.

But

But when the Rights of the Crown were given up by King *John* to the Pope, no wonder if the Liberties of Appeals were granted by him: But yet, in the ſucceeding Reigns, we have ſeveral Inſtances upon Record, of Perſons impriſoned by the King for making Appeals to *Rome*.

K. James *his Premon. p.* 300. *John* of *Ibſtock*, in the time of *Edw.* 1. The *Abbot* of *Walden*, and a Prebendary of *Banbury*, in the Reign of *Edw.* 2. The Parſon of *Lighe*, *Harwoden*, and the Prior of *Barnwel*, in the time of *E.* 3. So that this *Right* was ſtill owned by our Princes, when the Matter came into conteſt, and therefore the Act of *H.* 8. againſt Appeals was but a juſt Reſuming of the ancient Rights of the Crown.

25 *H.* 8. *c.* 19. A Commiſſion is appointed for reviewing the Canons: And it is obſervable, That becauſe it could not be done in Parliament time, the *King* hath *Power given him by Act of Parliament to nominate the thirty two Perſons to act in this Matter*, in theſe Words; *Be it therefore Enacted by the Authority aforeſaid, That the King's Highneſs ſhall have Power and Authority to nominate and aſſign at his pleaſure the ſaid thirty two perſons of his Subjects; whereof ſixteen to be of the Clergy, and ſixteen to be of the Temporality of the Upper and Neither Houſe of Parliament.*

And becauſe the laſt Reſort was to the Archbiſhop in the former Acts of Appeals; therefore to prevent any Inconveniences thereby, a new Power is granted by this Act, *i. e. upon an Appeal to the King in Chancery, a Commiſſion is to be directed to ſuch Perſons as the King ſhall appoint, who are to hear and determine ſuch Appeals, and the Cauſes concerning the ſame.*

25 *H.* 8. *c.* 21. After the *Submiſſion of the Clergy*, and the King being owned *Supreme Head*, yet the Power of diſpenſing with the Canons in particular Caſes, did not paſs by Commiſſion from the King, but by *Act of Parliament.* The Words are, *It ſtandeth therefore with natural Equity and good Reaſon, that all and every ſuch Laws humane, made without this Realm, or induced into this Realm by the ſaid Sufferance, Conſents and Cuſtom, your Royal Majeſty, your Lords Spiritual and Temporal, and Commons repreſenting the whole State of your Realm, in this your High Court of Parliament, have full Power and Authority not only to diſpenſe, but alſo to Authorize ſome elect Perſon or Perſons, to diſpenſe*, &c. So that the Power of granting Faculties at a time when the Prerogative was higheſt, was not executed by Commiſſion from the King by virtue of his Supremacy and Prerogative Royal, but was granted to the Archbiſhop of *Conterbury*, in the manner expreſſed in that Act.

Viſitatorial Power, *&c. p.* 262. A late Author has ſtretched this Statute to a Power of diſpenſing in other Caſes, beſides thoſe which depended on the Canon Law. *For*, ſaith he, *the Pope uſurped ſuch a Power in derogation of the Authority Royal, and then that Power muſt be originally in the King: otherwiſe, in the Conſtruction of the Act, it could be no Uſurpation.* But this is a very falſe way of Reaſoning; *The* Pope *uſurped ſuch a* Power *on the Crown*, therefore *the Crown hath it of Right:* For the Pope's Uſurpations were many of them unreaſonable (his Primacy, according to the Canons, being allowed) and our Law did reſtore to the King the antient Right and Juriſdiction of the Crown, and not put him into the poſſeſſion of all the extravagant Power which the Pope uſurped. For this Law charges the Pope *with intolerable Exactions of great Sums of Money, in Penſions, Cenſures, Peter-Pence, Procurations, Fruits, Suits for Proviſions and Expeditions*

ditions of Bulls, for Arch-biſhopricks and Biſhopricks, and for Delegates and Reſcripts in Cauſes of Contentions and Appeals, Juriſdictions Legantine, as well as Diſpenſations, Licences, Faculties, Grants, Relaxations, Writs, called Perinde valere, *Rehabilitations, Abſolutions,* &c. Now all theſe were *Uſurpations* in *Derogation of the Crown*; but doth it therefore follow that the *Crown* hath a *Right* to them all? But to go no further than the Buſineſs of *Diſpenſations*, Hath the King a Right by this Statute to *diſpenſe* as far as the Pope? The Pope uſurped a Power of *diſpenſing* in *Matrimonial Contracts*, in *Oaths*, in *Vows*, in ſome *poſitive Divine Laws*, which I ſuppoſe *H.* 8. by virtue of the *Supremacy*, never pretended to. So that it is a very miſtaken Notion of ſome Men, That *the King had all the* Power *which the* Pope *uſurped*. And as to the *Act*, it is plain by the Words of it, That the *Original* Power *of diſpenſing* was lodged in the *King, Lords and Commons*, and the *Miniſterial Execution* of it with the *Arch-biſhop of Canterbury* even with reſpect to the King himſelf. But if the King had pretended to *all the* Power *which the* Pope *uſurped*, he muſt have diſpenſed with himſelf.

But this Author offers to prove, That *there is a* Power *in the Crown to diſpenſe with Acts of Parliament, even ſuch as concern the Conſecration of Biſhops, becauſe it is ſaid*, 8 Eliz. That *the Queen by her Supreme Authority had diſpenſed with all Cauſes or Doubts of any Imperfection or Diſability in the Perſons*, &c. P. 266.

To give a clear Anſwer to this, we muſt conſider theſe Things:

1. That 1 *Eliz.* 1. The Act of 25 *H.* 8. for the *Order* and *Form* of *Electing* and *Making Archbiſhops* and *Biſhops*, was revived, as appears by the ſame Act, 8 *Eliz.* 1. 7.

2. That by another Act, 1 *Eliz.* 2. The *Book of Common-Prayer, and Adminiſtration of Sacraments, and other Rites and Ceremonies of the Church of* England, *which were in uſe in the time of* 6 E. *and repealed by* Queen *Mary*, were re-inforced, 1 *Eliz.* 2. 2. and the *Repeal annulled*. But by the Act 5 and 6 *E.* 6. *c.* 1. §. 5. the *Form* and *Manner* of making *Archbiſhops, Biſhops, Prieſts, and Decons, was added to the Book of Prayer, as of like Force and Authority with it.*

3. That the *Act* of *E.* 6. being revived with the expreſs mention of the *Alterations* and *Additions* made to it, there was no Neceſſity apprehended, 1 *Eliz.* to make a diſtinct *Act* for that which was in force already by the Name of *Additions therein added and appointed by that Statute*. And this, I conceive, was the true Reaſon why a Bill did not paſs 1 *Eliz.* to that purpoſe: For I find by the *Journals* of the *Houſe*, a *Bill* was prepared and read the third time in the Houſe of Lords; but upon Conſideration, it was laid aſide as ſuperfluous.

4. That the *Popiſh Party* took Advantage of this, and pretended, that the *Book of Conſecration*, &c. *was not eſtabliſhed by Law, being not expreſly mentioned, and therefore the Biſhops made by it, were not Legal Biſhops*. And upon this *Bonner* reſolved to ſtand the Trial againſt *Horn*, Biſhop of *Wincheſter*, as may be ſeen in *Dyer*, *R. f.* 234. So that the *Papiſts* then ſtood upon it, That *the Crown could not diſpenſe with Laws*, otherwiſe *Bonner's Plea* ſignified nothing. For if there were ſuch an inherent Right in the Crown to *diſpenſe with Laws* in *Eccleſiaſtical Matters*, then theſe were *Legal Biſhops*, having all the Queen's *diſpenſing Power* for them.

5. The Clauſe in the Queen's *Letters Patents* for *diſpenſing* with *Imperfections* and *Diſability* was put in out of *abundant Caution*, and not for

any *Neceſſity* that we can find: But it was cuſtomary in the *Pope's Bulls* to put in ſuch kind of *Clauſes*, and therefore they would omit no *Power* in that Caſe which the *Pope* did pretend to, which the Act ſaith, was *for avoiding all Ambiguities and Queſtions.*

6. But after all, leſt there ſhould be any Colour for *diſputing* this *Matter* left, according to the expreſs *Letter* of the Law, therefore it was declared, 8 *Eliz.* 1. 3. That not only *the Book of Common-Prayer*, but *the Form* of *Conſecrating Archbiſhops, Biſhops*, &c. *which was ſet forth in* Edward *the Sixth's Time, and added to the Common-Prayer, ſhall ſtand and be in full Force and Effect: And all Acts done by it are declared to be good and perfect to all Intents and Purpoſes:* So that this *Act* of *Parliament* doth rather overthrow a *diſpenſing Power*; for if there were then ſuch a *Supreme and Abſolute Power* in the *Crown*, as to *Eccleſiaſtical Matters*, what need ſuch an *Act* of *Parliament* to confirm and ratify what our Author ſuppoſes done by virtue of it.

But to return to the 25th of *H.* 8. in the ſame *Act* of *Parliament* care is taken for *the viſiting exempt Places*, as *Monaſteries, Colleges and Hoſpitals*, by a particular *Commiſſion* under the Great-Seal.

But that which comes neareſt to our Buſineſs, is, That 26 *H.* 8. *c.* 1. another Act paſſed, wherein *the King's Supremacy is acknowledged, and a Power given by Act of Parliament for him to viſit, redreſs, and amend all Errors, Hereſies, Abuſes, Contempts, and Enormities whatſoever, which by any manner of Spiritual Authority or Juriſdiction ought or may lawfully be reformed in any Uſage, Cuſtom, Foreign Laws, Foreign Authority, Preſcription, or any Thing or Things to the contrary hereof notwithſtanding,*

If the King had this Power by virtue of his *Supremacy* and *Prerogative Royal*, can we imagine *H.* 8. ſo weak a Prince, and ſo little a valuer of his own *Prerogative*, as to have that given him by *Act* of *Parliament*, which was acknowledged to be in him before? But the Words are expreſs, *And that our Sovereign Lord*, &c. *ſhall have full Power and Authority from time to time to viſit*, &c. From whence it follows, That in the Judgment of *H.* 8. and the *Parliament*, ſuch a *Power* was not *perſonally inherent in him*, but that it did belong to the *Legiſlative Power*, and therefore an *Act* of *Parliament* was required for it: So that the *Supremacy*, as then ſettled by *Law*, lay in a total rejecting any *Foreign Juriſdiction*, and governing this Church and Kingdom by our own Laws; which is well expreſſed in the *Preamble* to the Act againſt *Appeals*, viz. *That this Realm of* England *is an Empire governed by one Supreme Head and King, having the Dignity and Royal Eſtate of the Imperial Crown of the ſame, unto whom a Body Politick, compact of all ſorts and degrees of People, divided in Terms and by Names of Spiritualty and Temporalty, been bounden and ought to bear, next to* God, *a natural and humble Obedience.*

By virtue of this Act *Cromwel* was made *Vicegerent* and *Vicar General*, (for both are in the ſame *Commiſſion*) and the King gave to him *omnem & omnimodam Juriſdictionem, Authoritatem ſive poteſtatem Eccleſiaſticam, quæ nobis tanquam ſupremo Capiti hujuſmodi competit*, &c. Which are the Words of his *Commiſſion.*

It's true, That the Power of granting a *Commiſſion* to exerciſe this Power, is not expreſſed in the *Act* of *Parliament*, but it being *veſted* in the *King* by the *Act*, he might appoint *one* or more *Commiſſioners* to do it in his Name; but the Caſe is very different where that very

Power

Power of *Delegation* is taken away by *Act of Parliament*, for that is the present Case.

To make this clear, we must consider the Words of this Act, and compare them with 1 *Eliz.* 1. the 17 *Car.* 1. 12. and the present *Commission.*

The Words, 26 *H.* 8. 1. are the same in effect with those 1 *Eliz.* 1. but with this observable Difference, That whereas the *Statute* of *H.* 8. gives *the King, his Heirs, and Successors, full Power and Authority from time to time to visit*, &c. That 1 *Eliz.* 1. unites the Jurisdiction to the *Imperial Crown of this Realm*, but then it doth not proceed as the other did, *To give full Power and Authority to her, her Heirs, and Successors, to visit*, &c. But the Words are, *And that your Highness, your Heirs, and Successors, Kings or Queens of this Realm, shall have full Power and Authority by this Act, by Letters Patents under the Great-Seal of* England *to assign, name and authorize, when and as often as your Highness, your Heirs, and Successors shall think meet to exercise, use, occupy and execute under your Heighness, your Heirs and Successors, all manner of Jurisdictions, Privileges and Preheminences, in any wise touching or concerning any Spiritual or Ecclesiastical Jurisdiction*, &c. So that the Administration of this extraordinary Jurisdiction is by this Act limited to such *who are nominated and appointed by the Letters Patents.* The Fountain of all Jurisdiction is acknowledged to be *in the Imperial Crown of this Realm*, but the Administration is two-fold; *Ordinary*, in the Archbishops, Bishops, and Ecclesiastical Courts; and to secure their Dependance on the Crown, the Oath of Supremacy is required by this Act to be taken by every Archbishop, Bishop, and all Ecclesiastical Persons and Officers. But besides this, it was then thought fit, That there should be an *Extraordinary* Administration of it, which is limited by this Act to such *as should be nominated and appointed in Letters Patents*, &c. and no other Reason can be given of the Change from what it was in the Time of *Henry* the Eighth; for it is not now placed absolutely, as then, in the Queen, her Heirs, and Successors, but the Jurisdiction is annexed to the Crown, and the extraordinary Administration to be by Commission under the Broad-Seal.

Now since this Power of *nominating Commissioners for Extraordinary Jurisdiction* is taken away by Act of Parliament, the only Question is, Whether notwithstanding the Right of Jurisdiction being still in the Crown, a new Commission may not be granted for Extraordinary Jurisdiction?

There had been no Question in this Case, if the Administration of Extraordinary Jurisdiction had not been settled, 1 *Eliz.* 1. to be by Commission, and that very Power of granting such a Commission had not been taken away by Act of Parliament.

But as the Matter now stands, the only Pretence left for it, is, *That the same Act which confirms the Repeal, hath a Salvo for the King's Supremacy*, in these Words, *Provided always, That this Act shall not extend, or be construed to extend to abridge or diminish the King's Supremacy in Ecclesiastical Matters or Affairs.* If these Words be taken strictly, with respect to the same Matter, they make the Act inconsistent with it self; for then the Meaning would be, The King's Supremacy shall not extend to the setting up such a Court, always provided, That his Supremacy, notwithstanding this Act, may extend to the setting up such another Court. Is it consistent with the Wisdom of a Parliament to make such

deluſory Acts? Therefore we muſt underſtand the *King's Supremacy in other Matters.* And there was this Reaſon for it, All the Acts of Parliament touching the Supremacy in *Henry* Eighth's Time, were repealed by Queen *Mary*, and the Reſtoring the Supremacy to the Crown, was by the ſame Act which ſet up the *High Commiſſion*; and therefore when part of that Act was repealed, and that Repeal confirmed, it was fitting to add a Clauſe, That there was no Intention to abridge or diminiſh the Supremacy ſettled by Law, eſpecially ſince by that Act the Ordinary Juriſdiction of the Biſhops in their Courts was revived; and it is very well known, what Clamours had been made, as though the Biſhops Courts being held in their own Names were inconſiſtent with the King's Supremacy: And although the *Judges* had declared, *July* the firſt, 1637. *That there was no neceſſity that Proceſſes Eccleſiaſtical ſhould be in the King's Name; and the King*, Auguſt *the eighteenth, in* 13 Car. 1. *publiſhed a Proclamation to that purpoſe*; yet all this did not ſatisfy ſome but the Biſhops were ſtill thought by them, in their Ordinary Juriſdiction, to uſurp upon the King's Supremacy, and *to abridge and diminiſh it*; therefore when this Act paſſed to revive their Juriſdiction, it was no more than reaſonable to add ſuch a Clauſe to prevent Miſconſtruction, *viz. That this Act, nor any thing in it, be conſtrued to extend to abridge or diminiſh the King's Supremacy in Eccleſiaſtical Matters*, as the Ordinary Juriſdiction of the Biſhops had been thought to do.

Vindication Eccleſ. Com *p.*19. And the *Vindicator* of the *Eccleſiaſtical Commiſſion* could not forbear a Marginal Note to that purpoſe; *The Court held by his Majeſty's Eccleſiaſtical Commiſſioners is more legal than the Biſhop's Court; This in the King's Name, theirs in their own Name only*: As though the new ſetting up a Court forbidden by Law did not make it illegal, in whoſe Name ſoever it were; and as though Courts expreſly owned and allowed by Law, were illegal, merely becauſe the Forms of their Proceedings do not run in the King's Name. But I deſire him to take an

Co. 5. R. *f.* 39. Anſwer from his own *Oracle* the Lord Chief Juſtice *Coke*, *Now albeit the Proceedings and Proceſs in the Eccleſiaſtical Courts be in the Name of the Biſhops*, &c. *it followeth not therefore, that either the Court is not the King's, or the Law, whereby they proceed, is not the King's Law. For taking one Example for many, every Leet or View of Frank Pledge holden by a Subject, is kept in the Lord's Name, and yet it is the King's Court, and all the Proceedings therein are directed by the King's Laws; and many Subjects in* England *have and hold Courts of Record, and other Courts, and all their Proceedings be according to the King's Laws and Cuſtoms of the Realm.*

But there is a material Objection or two yet to be anſwered.

2 Cr. *f.* 37. Moor. *f.* 755. Noy, *f.* 100. 1. It is objected, That 2 *Jac. the Judges declared in the* Star-Chamber, *That the Deprivation of Non-conformiſts was lawful, becauſe the King had ſupreme Eccleſiaſtical Power, which he hath delegated to the Commiſſioners, whereby they had Power of Deprivation by the Canon-Law of this Realm; and the Statute of* 1 Eliz. *doth not confer any new Power, but explain and declare the ancient Power: And therefore they held it clear, that the King without a Parliament might make Orders and Conſtitutions for the Government of the Clergy, and might deprive them if they obeyed not.*

To which I anſwer,

1. Our Queſtion is not, Whether the King, without a Parliament, may not require the Obſervation of Canons paſſed the *Convocation*, ſo as to deprive the Obſtinate, by virtue of his Supreme Power in *Eccleſiaſtical*

ſiaſtical Matters? But whether he may appoint a *Commiſſion* with *Power to deprive* againſt an Act of Parliament; which hath taken away the Legal Power of any ſuch Commiſſion.

2. In matters of this nature, it is ſafer truſting the *Supreme Judicature* of the *Nation in Parliament*, than the *Extrajudicial Opinion* of *the Judges*.

And in this Caſe the Parliament hath declared it ſelf another way; as appears by the Canons, 1640. which were not only condemned in Parliament afterwards (which then might be imputed to the heat of the Times) but in the moſt Loyal Parliament after the King's Return, particular Care was taken, that *neither the Canons of* 1640. *ſhould be confirmed, nor any other Eccleſiaſtical Laws or Canons, not formerly confirmed, allowed, or enacted by Parliament, or by the eſtabliſhed Laws of the Land as they ſtood in* the Year of the Lord, 1639. Which implies, that the Senſe of the Parliament then was, that we are not to own any Canons but ſuch as were *confirmed*, *allowed*, or *enacted by Parliament*, or by *the eſtabliſhed Laws of the Land before* 1639. And therefore no new Injunctions without a Parliament or Convocation, can make the Clergy liable to a Legal Deprivation. No, not that which the Defender is ſo pleaſed with the thoughts of, *viz.* to *give their Aſſent and Conſent to the King's Declaration, on pain of Deprivation.* P. 14.

3. The Temporalties of the Clergy, eſpecially the Biſhops, are ſecured by ſeveral Acts of Parliament without a Tryal at Law. Which, becauſe I ſee none of our great Lawyers take notice of, I ſhall here ſet down.

14 *Edward* the Third, *c.* 3. *We Will and Grant for us and for our Heirs, that from henceforth We nor our Heirs ſhall not take nor cauſe to be taken into Our Hands, the Temporalties of Archbiſhops, Biſhops*, &c. *or other People of Holy Church, of what Eſtate or Condition ſoever they be, without a true and juſt Cauſe, according to the Law of the Land and Judgment thereupon given.* Statut. pro Clero.

25 *Edward* the Third, *c.* 6. The Title of the Statute is, *A Biſhop's Temporalties ſhall not be ſeized for a Contempt.* And this was received for good Law, 9 *E.* 4. 28. *Br. Ord.* 12. *Reg. f.* 32.

But a very late Writer tells the World, *That the Poſſeſſions of Eccleſiaſtical Perſons are but Conditional Freeholds; and although Abſolute Freeholds require a due Courſe of Law, yet Conditional do not*; ſo that if a Man chance to be deprived of his Office, his Freehold is gone. *Viſitatorial Power*, &c. p. 302.

This is touching *Clergymen's Freeholds* to purpoſe; and no doubt out of pure Zeal to the Church of *England:* But ſee the *Equity* and *Impartiality* of this Man!

He had undertaken before to give *publick Aſſurance of Abby-Lands to the preſent Poſſeſſors:* And for what Reaſon? *Becauſe the Pope granted a Diſpenſation with a* non-obſtante *to the Canon Law:* And yet in this Book he proves, That a *non-obſtante* is *no ways binding to the Supreme Power*; ſo that no Man could more effectually overthrow his own Aſſurance than he hath done himſelf: For, ſaith he, *Preſent Sovereigns, whether King or Pope, cannot bind their Succeſſors.* And again, *Acts of Graces and Favours, are alterable and ſuſpendable at the pleaſure of the Succeeding Sovereign:* Why then ſhould any be ſo weak as to think the Plenitude of the Pope's Power as to Abby-Lands, can be bound up by the Act of any former Pope? I confeſs the comparing theſe two Books together hath extreamly leſſened his Aſſurance of Abby-Lands with me. *Aſſurance of Abby-Lands*, p. 164, 184. *Viſitatorial Power*, &c. p. 297, 298.

And

p. 200. And his Anſwers to the Power of Revocation are ſo weak, that they come at laſt to no more than this, *It is a thing which cannot well be done at preſent, therefore there is no fear it ever ſhould be done.* Here is ſome Security, at leaſt till it can be done. But as to the Poſſeſſions of the Eccleſiaſtical Perſons of the Church of *England*, he endeavours to prove, That they can have no Security at all of their preſent Poſſeſſions, notwithſtanding any Promiſe, or a Legal Title: For if, as he
p. 297, 298. ſaith, *The King by his Paramount Juriſdiction can make any Exceptions null; and ſo void a ſolemn Oath; not to accept a Diſpenſation from that Oath; why ſhould he not as well make void any Promiſe of his own, when he henders* (as he thinks) *a greater Good;* eſpecially if the Prerogative cannot be bound? But then, as to a Legal Title, that is the vaineſt thing imaginable, as to ſuch conditional Freeholds which Clergymen have; for if the Commiſſioners deprive them by their Power *ab Officio & Beneficio, their Attendant Freehold*, ſaith he, *is gone, without any Courſe of Law.*
Defence, p. 24. And the Defender ſaith, *The Commiſſioners may deprive if Clergymen ſhould not aſſent and conſent to all contained in the King's Declaration, if he required it.* But it is to be hoped, That Princes will not take the Meaſures of Juſtice and Wiſdom, and Honour from ſuch Men: We will therefore ſet aſide the *Omnipotent Engine* of a *Non-Obſtante*, which doth not batter ſo much as it undermines, and conſider the Legal Security of theſe Conditional Freeholds.

I. All Freeholds are in ſome Senſe Conditional, or elſe they could never be forfeited: Which ſhews, that there are none Abſolute, with Reſpect to the Law. And as to their Original among us, it is agreed, That by the Ancient Right of Tenures, all Fees are Conditional; for they ſuppoſe Fealty, the non-performance whereof is Felony: Which is not that which is done *felleo animo*, as Sir *Edward Coke* trifles, but it is the ſame with Falſhood or Treachery. The Laws of *H.* 1. *c.* 5. *Si Dominus de Felonia vel Fide mentitus compellat hominem ſuum:* And in another Law, the Puniſhment of Felony is Forfeiture of the Land, *c.* 43. and therefore the *Feudiſts* ſay, That *Felony* is *delictum Vaſalli adverſus Dominum*; From the *Gothick Fell* or *Fehl*, which ſignifies in general, a *Fault*; And in this Caſe, *the Breach of Truſt towards his Lord:* Of which ſort of *Felonies* the *Feudiſts* reckon up ſometwenty, ſome thirty, any of which makes a Forfeiture: So that here is no ſuch mighty difference, that the poor Clergymen muſt only have *Conditional and Attendant Freeholds*, as though other Men's were Abſolute, whereas Sir
Rep. Angl. l. 3. c. 10. *Thomas Smyth* affirms, *all in* England *are Fiduciary*, i. e. *Conditional Freeholders, beſide the King:* It is eaſie enough for any one to frame ſuch a Diſtinction of Freeholds; and to ſay, That thoſe who have but ſuch a Freehold may be ejected, without any Tryal at *Common Law:* But he ought to have ſhewed, That *Magna Charta* or the *ancient Laws* made ſuch a difference between Eccleſiaſtical Freeholds and others; which he hath not pretended to do; and therefore ſuch a Diſtinction ought
Inſtit. 51. not to be allowed, eſpecially ſince I have produced an *Act of Parliament* 14 *Edward* 3. *c.* 3. which ſaith, *That Clergymen ſhall not be ejected out of their Temporalties without a true and juſt Cauſe, according to the Law of the Land:* This was none of thoſe Statutes which are in Print, but
Cotton's Abt. p. 23. never enrolled, for Sir *Robert Cotton* owns the Enrolment of it, and that it was made into a Statute; and Mr. *Prynn* himſelf had nothing to object againſt it: But now it ſeems their Conditional Freeholds may be taken from them without any due Courſe of Law.

II. There

II. There is more to be said concerning the *Rights* of *Ecclesiastical Persons* in *Colleges*, because they are *Lay Corporations*. For in *Appleford's* Case it was declared to be *the Opinion of all the Judges in* Patrick's *Case*, *That a College was a Temporal Corporation:* And therefore some notable Difference in point of Law must be shewed, why Men may be deprived of some Freehold's without *due Course of Law*, and not of others; for I cannot imagine, That Colleges being founded for the Encouragement of Learning, should lay Men more open to Arbitrary Proceedings, than any other Legal Societies are: However Deprivation in *Coveney's* Case, was agreed to be a Temporal Thing; and for that Reason *his Appeal was rejected, as not relating to a Matter of Ecclesiastical Jurisdiction, which was only provided for* 24 *and* 25 Henr. 8. But it was allowed, *That he might bring an Action at Common Law.* Our Author several times mentions this Case; but puts it off till he comes to Treat of Appeals, *i. e.* to the Place he knew it to be improper in. For the Question is not, Whether an Appeal doth lie to the King in Chancery, in Case of Deprivation? but, Whether there be not a Remedy at Common Law, if a Person be deprived of *a Freehold without due Form of Law?* And after a great deal of Impertinency, about the manner of Appeals, he at last concludes, *The Remedy had been at Common Law only*; which is clear giving up the Point. For then, in case a Person be deprived without due course of Law, of his Freehold, he grants, that he is to have his Remedy at Law; and consequently, that a Deprivation of such a Freehold without due course of Law, is not sufficient. For the Law provides no Remedy where there is no Injury done, nor just Cause to seek for Redress. And so I come to the second Objection; which is this;

Mod. Rep. f. 84.

Dier, *f.* 209.

p. 320.

p. 224.

2. That *to deny the Jurisdiction of this Court, is to deny the King's Supremacy; and that is a dangerous thing by the Law.*

The Case was this; Dr. *F.* of *Magdalen College* in *Oxford*, being summoned before the Commissioners, denied the *Authority of the Court, and persisted in so doing*; which our Author saith, *in another King's Reign perhaps might have been interpreted a Questioning the very Supremacy it self; which, how fatal it was to* John Fisher, Bishop *of* Rochester, *and Sir* Thomas Moore, *is worthy to be considered, both as a Demonstration of our King's Clemency, and that the Doctor hath not so much reason to complain of his hard Usage.*

Visitatorial Power, *p.* 313.

The Meaning whereof is this, That if they had proceeded in Justice against him, he ought to have suffered as Bishop *Fisher* and Sir *Thomas Moore* did. This is more than *a bare Insinuation*, That to deny the Jurisdiction of this Court, is to deny the King's Supremacy; and that it is meer Clemency not to deal by them who do it, as *Henry* the Eighth did by Bishop *Fisher* and Sir *Thomas Moore.*

But, 1. It is by no means evident, That those two Persons suffered meerly on that Account. For their Attainder in Parliament, was for refusing *the Oath of Succession*; and King *James* the First, mentions the Words of Sir *Thomas Moore* to that purpose, which he spake to the Lords when he was condemned. And their *Attainder*, if I mistake not, was in the same *Parliament* which made it *Treason* to deprive the King of his Dignity, Title or Name of his Royal Estate, and therefore could not be by an Act not then passed.

King James *his Works*, *p.* 283.

But, 2. Suppose that they were at last proceeded against on the Act then passed, what is this to the present Case? when *Coke* saith, *This*

Act

4 Inſt. f. 42. *Act was twice repealed.* And it is no extraordinary Clemency, not to be proceeded againſt by a Law that hath no force.

3. The Statute in Force, 5 *Eliz. c.* 1. is againſt thoſe who *defend or maintain the Authority, Juriſdiction, or Power of the Biſhop of* Rome, *or of his See, heretofore claimed, uſed, or uſurped within this Realm, or by any Speech, open Deed, or Act, adviſedly, wittingly attribute any ſuch manner of Juriſdiction, Authority, or Preheminence to the ſaid See of* Rome, *or any Biſhop of the ſame, for the time being within this Realm.* So that it cannot be denied, that there is occaſion for his Majeſty's Clemency; but it is to another ſort of Men.

4. It is very hard ſtraining to make the denying the *Juriſdiction* of this *Court*, to be denying the *King's Supremacy*, when a Perſon hath done all which the Law requires him to do towards owning the *Supremacy*. If he had ſaid Dr. *F.* had taken Poſſeſſion of his Fellowſhip there, without taking the Oath of Supremacy, which the Law requires, he had then indeed given ground to ſuſpect him for denying the King's Supremacy; but to take no notice of thoſe who refuſed to do as the Law requires, and to talk thus of what Severity might be uſed to one that hath done it, looks in him neither like Clemency nor Juſtice.

5. It was always looked on, as a *Legal Right* to make Exception to the *Juriſdiction of a Court*, eſpecially when newly eſtabliſhed, without *Act of Parliament*, and to any ordinary Underſtanding, in flat Contradiction to it. It is very new Doctrine that in a Legal Government *Exceptio Fori* ſhall be interpreted a *Denial of Supreme Authority*, which was not only allowed by the Canon and Civil Laws, but by the moſt ancient Common Lawyers we have.

Bracton obſerves ſeveral things, which are material to this purpoſe.

Bract. *l.* 5. de Excep. *c.* 1. 1. The firſt *general Exception which is allowed*, he ſaith, is *contra Juriſdictionem. Exceptions* are either dilatory or peremptory. Some that are only dilatory, as to the Action, may be peremptory as to the *Juriſdiction*. And theſe are to be put in *ante Litem conteſtatam, ad perimendum Judicium, ne procedat.* And the firſt of this ſort, are the Exceptions *contra Juriſdictionem, & contra Perſonas Judicantium, quibus deficit Autoritas judicandi.* So that he ſuppoſes, that ſuch who do not deny the King's Supreme *Authority*, may *have a legal and juſt Exception againſt the Authority of a Court.*

L. 2. *c.* 8. *n.* 9. 2. It was an allowable *Exceptio Fori* then, if any Lay-Perſons did take upon them to proceed by *Eccleſiaſtical Cenſures.*

In *Eccleſiaſtical Caſes*, ſaith he, *a Secular Judge hath no Cognizance, becauſe he hath not the Power of Coercion proper to them*, viz. *by Eccleſiaſtical Cenſures*; therefore, he ſaith, in his Cauſis pertinet Cognitio ad Judices Eccleſiaſticos. His Reaſon is, *Becauſe thoſe only are the competent Judges, who have the Power of Coercion proper to the Court.* And for the ſame Cauſe, *Eccleſiaſtical Judges* are not to interpoſe in *Secular Cauſes, cum jura ſint ſeparata & limitata.* And although the *Exemption of Eccleſiaſtical Perſons* from the Civil Courts, be certainly taken away by the *Acts of Supremacy*; yet it hath been ſtill alledged by our Divines, That *the Eccleſiaſtical Cenſures were ſtill reſerved to the Eccleſiaſtical Functions*; either in the way of Ordinary or Delegate Juriſdiction. If the *High Commiſſion* did ſeem to go further, then that Power being taken away by Act of Parliament, it muſt return to the ancient Courſe.

L. 5. de Exc. *c.* 14. 3. *There muſt be a Legal Authority to conſtitute a Legal Juriſdiction.*

Ad

Ad hoc quod rata ſint judicia videre oportet an Juſtic. Warrantum habeat à Rege quod judicare poſſit. Si Warrantum non habuerit, non valebit quod coram eo actum fuerit, quaſi coram non ſuo judice, quia primo legi debet Breve Originale, & poſtmodum Breve per quod Juſticiar. conſtitutus eſt, & ſi nullum omnino habuerit, aut ſi habuerit non tamen ad manum, non erit ei parendum niſi ita forte fit, quod Breve Originale de Juſticiaria ſua faciat mentionem, Bracton, l. 5. De Except. c. 14.

1. There muſt be a Commiſſion from the King, which muſt be read; and if either they have it not, or it be not at hand, the Juriſdiction is not to be owned, unleſs it be mentioned in the *Original Writ*. For *Commiſſions* in thoſe days were moſt commonly granted by *Writ*, ſaith the Lord *Coke*. 2 Inſt. f. 418.

But by *Bracton*'s Words it appears, That commonly there was an *Original Writ* and a *Commiſſion* beſides; but ſometime the *Commiſſion* was in the *Original Writ*, and then the reading of that was ſufficient.

The *Mirror* ſaith, That *the Juriſdiction may be denied, if the ſeeing or hearing the Commiſſion be denied.* Mirror de Juſtic. c. 3. §. 6.

2. The Bounds of the Juriſdiction muſt be expreſſed; and if thoſe be exceeded, he ſaith an *Exception* lies: Which ſignifies nothing unleſs the *Commiſſion* be known.

3. The *Commiſſion muſt be according to Law*; for that is *Bracton*'s ſtanding Rule: *Nihil aliud poteſt Rex in Terris, cum ſit Dei Miniſter & Vicarius, niſi id ſolum quod Jure poteſt.* So that a Commiſſion againſt Law is void in Law. He mentions the Common Saying in the Civil Law, *Quod Principi placet, Legis habet Vigorem*; and anſwers it thus, *Quod Princi placet* is not to be underſtood of his *Preſumptive, but his Legiſlative Will* (Animo condendi Jura) and with the *Advice of his Magiſtrates*, the King himſelf giving Authority; which is the Deſcription of an Act of Parliament, as we now call it. L. 3. de Action. c. 9. n. 3.

Which he more fully expreſſes elſewhere, *Legis vigorem habet, quicquid de Conſilio & de Conſenſu Magnatum & Reipublicæ Communi ſponſione Authoritate Regis, ſine Principis præcedente, juſte fuerit definitum & approbatum.* L. 1. c. 1. n. 2.

If this were the *ancient Law of* England, how comes the Exception againſt a *Court* to be a Denial of the King's Supremacy, unleſs it be ſuppoſed impoſſible that there ſhould be an *illegal Court* with the *King's Commiſſion.*

But we may ſuppoſe it poſſible for a new kind of *Star-Chamber*, or *Court of Wards* to be ſet up; muſt no Man queſtion the Legality of ſuch a Court, without denying the King's Authority? For this is a Queſtion in Point of Law; and the King's Authority always goes with the Law: And therefore to ſuppoſe it to be in any thing againſt Law, is to ſuppoſe it to be contradictory to it ſelf.

But our Author ſaith, *It is neceſſary for every Court to aſſert its own Juriſdiction.* P. 317. Very true, and to clear it too, if it be liable to a juſt Exception. I am very far from denying the King's Supremacy; yet I may be as far from thinking ſuch a Court to be Legal, if an Act of Parliament can make a Court illegal: And to ſay no more for it, *but that every Court muſt aſſert its own Juriſdiction*, is to level it with the infamous *High Court of Juſtice*, which, when King *Charles* the Firſt, of *Bleſſed Memory*, denied their Authority, all the Reply was, *That the Court was ſatisfied of its own Authority*; which could give *Satisfaction* to no body elſe.

And if this be all can be ſaid for the *Legality* of it, for all that I can ſee, there is *juſt Reaſon* to deny it.

OF THE JURISDICTION OF THE BISHOPS IN Capital Cauſes.

DISCOURSE III.

CHAP. I.

The Queſtion *ſtated, and General* Prejudices *removed.*

THE *Queſtion* in debate, as it is ſtated by the Author of the *Letter*, is, *Whether the Biſhops may be preſent, and Vote judicially in Capital Caſes, which come to be judged in Parliament, either in giving the Judgment it ſelf, or in reſolving and determining any Circumſtance preparatory, and leading to that Judgment?*

Letter, *p.* 12.

For our better proceeding towards a Reſolution of this Queſtion, it will be neceſſary to take notice of ſome things granted on both ſides, which may prevent needleſs Diſputes, and be of great uſe in the following Debate.

P. 93. 1. It is granted, *That the Biſhops do ſit in Parliament by virtue of their Baronies, and are bound to ſerve the King there.* And one part of the *Service* due to the King there, is to *ſit in Judgment*; for the Author of the Book entitled, *The Juriſdiction of the Houſe of Peers aſſerted*, proves at large, *That the Right of Judicature belongs to the Barons in Parliament*; and that the Lords Spiritual have a conſiderable ſhare therein, appears by this Paſſage in the Title-Page of that Book, tranſlated into *Engliſh*.

The Judgment of the Lords Spiritual and Temporal is according to the Uſe and Cuſtom of Parliament.

The Uſe and Cuſtom of Parliament is the Law of Parliament.

The Law of Parliament is the Law of England.

The Law of England *is the Law of the Land.*

The Law of the Land is according to Magna Charta.

Therefore the Judgment of the Lords Spiritual and Temporal is according to Magna Charta.

Some

Some Right then of Judicature in Parliament the Biſhops have by *Magna Charta*; which, whatever it be, is as much theirs by that Charter as any Right of Temporal Perſons, and cannot be invaded or taken from them without breach of that Charter, any more than the Rights of the Lords Temporal, or of any other Perſons whatſoever. But how far that Right doth extend, is now the thing in Queſtion.

2. It is not denied, *That the Biſhops do ſit in Parliament by the ſame kind of Writs that other Barons do.* They are ſummon'd to adviſe and debate about the great and difficult Affairs of the Kingdom; *cum Prælatis, Magnatibus & Proceribus dicti Regni noſtri Angliæ colloquium habere & tractatum*, i.e. to join therein with the Biſhops and other Lords of the Kingdom. So that by the King's *Writ* of *Summons* they are impower'd and required to confer and treat of all the weighty Affairs that ſhall be brought before them. And no Inſtance is ſo much as offer'd to be produc'd of any *Writ* wherein the King doth limit and reſtrain the Biſhops, any more than any other Lords of Parliament, as to any matter of Conſultation, or Point of Judicature, belonging to that Houſe. They have then by their *Writ* of *Summons* as good right to ſit in all Caſes as in any: And ſince the other Lords by *their Writs* are ſummoned to adviſe with the Prelates in all matters that ſhall come before them, without limitation, it is not to be conceived how this can be done, if the Biſhops in ſome of the moſt important Debates be excluded.

3. It is yielded, That if the Houſe proceeds in a *Legiſlative way* by paſſing *Bills of Attainder*, the Biſhops have a Right to ſit and vote therein as well as other Lords; at theſe it is ſaid, *That the Biſhops are or ſhould be all preſent at the paſſing of them, for then they act as Members of the Houſe of Lords in their Legiſlative Capacity.* But Men do as certainly die that are condemned in the *Legiſlative*, as in the *Judicial* way. Is not this then really as much a *Caſe of Blood* as the other? If the Biſhops ſhould give their Votes in the *Legiſlative* way to condemn a Perſon for Treaſon, and yet think they had not Voted in a *Caſe of Blood*, they would then indeed be like *Chaucer*'s Fryar, mentioned by the Author of the *Letter*, that would have *of a Capon the Liver, and of a Pig the Head, yet would that nothing for him ſhould be dead.* Doth a *Bill* of *Attainder* cut off a Man's Head without making it a *Caſe of Blood?* There can be then no Objection now made againſt the *Biſhops Right* from any *Canons* of the Church; for thoſe allow no ſuch diſtinction of proceeding in the *Legiſlative* or *Judicial* way. And the late *Author* of *the Peerage and Juriſdiction of the Lords Spiritual* doth grant, *That the Canons do prohibit the Biſhops voting in Bills of Attainder, as much as in any Caſe whatſoever.*

P. 118.

P. 66.

P. 21.

But we are not to ſuppoſe a Perſon of ſuch Abilities as the *Author* of the *Letter*, would go about to exclude the *Biſhops* from their *Right* of *Voting* in a *Judicial way in Caſes Capital*, unleſs there were ſome great appearance of *Law* on his ſide; becauſe he profeſſes ſo *great a Deſire that Right may prevail*; and, *That his Deſign in writing was, to ſatisfy himſelf and others where that Right is.* The diſcovery whereof is our preſent buſineſs. Yet before the *Author* of the *Letter* comes to a cloſe Debate of the matter of *Right*, he lets fall ſome general *Inſinuations* to create a *Prejudice* in the Reader's Mind, as to the *Biſhops meddling at all in ſecular Affairs*, as though it were inconſiſtent with their *Function*,

P. 2, 3.

and with ſome Paſſages in the *Imperial* Law. And becauſe Men may ſometimes do more harm by what they tell us *they will not ſay*, than by what they *do ſay*, it will be fit to prevent the danger of ſuch *Inſinuations* before we come to conſider his *Arguments*.

P. 5. 1. The *firſt* is, *That meddling at all in Secular Affairs ſeems to be the doing that which the Apoſtles declared they would not do*, viz. *leave the Word of God, and ſerve Tables*. But are all Perſons of Eſtates now bound to part with them as the Chriſtians then did? *The ſerving of Tables* was a full Employment; and they who attended that Office were the Treaſurers of the Church, to diſtribute to every one as they judged fit, out of the common Stock. Is it *no Service to God*, to do Juſtice, and to ſhew Mercy? To attend upon the publick Affairs of the Kingdom, when they are called to it by their Sovereign? Or are all *Biſhops* now in the ſame Circumſtances the *Apoſtles* were when the Chriſtian Church was to be planted in the World, and ſo few Perſons as the 12 Apoſtles made choice of for that Work? Is there no difference to be made between a Church conſtituted and ſettled and incorporated into the Commonwealth, and one not yet formed, but labouring under great Difficulties, and making its way through conſtant Perſecutions? May it not be as well argued, that *Biſhops* are not to ſtay in one Country, nor to have any fixed Habitation, becauſe the *Apoſtles* paſſed from Place to Place preaching the
P. 86. Word of God? Doth not the *Author* of the *Letter* himſelf confeſs, *That the Clergy are one of the Three Eſtates of the Kingdom?* And by the *Act* 8 *Eliz.* 1. the *Clergy* are called *one of the greateſt States of this Realm*. And is there not then great Reaſon, that thoſe who are *the chief part of it*, as he confeſſeth the *Biſhops* to be, ſhould have a ſhare in Affairs that concern the whole Nation? And would it not ſeem ſtrange to the Chriſtian World, that *we* alone of all the *Kingdoms* of *Europe* ſhould exclude the *Biſhops* from having an equal Intereſt with the other Eſtates in Parliament? For it were eaſy to prove from unqueſtionable Teſtimonies, that as ſoon as the Chriſtian Religion was well ſettled in any of theſe *Northern Kingdoms*, the Biſhops were admitted into all the publick Councils; and have ſo continued to this Day, where the Convention of the Eſtates hath been kept up, *Bohemia* only excepted ſince the Days of *Sigiſmond*.

Hincmar. Epiſt. de ordine Palatii. I begin with *France*, where *Hincmarus* ſaith, *There were two great Councils every Year: One of the States of the Kingdom, for ordering the Affairs of the enſuing Year, and redreſſing of Grievances; and in theſe the Biſhops were always preſent: and the other of the King's Council, which managed the intervening Affairs; and into this the chief of the Biſhops were always choſen*. It were endleſs to repeat the ſeveral Parliaments in *France* in the time of the *Merovingian* and *Caroline* Race, wherein Laws were paſſed, and the great Affairs of the Kingdom managed by the *Biſhops*, *Noblemen*, and others. Thoſe who have looked into the ancient *Annals* and *Capitulars* of *France* cannot be ignorant of this. There is one thing remarkable to our purpoſe in the famous Council of *Franckford*, which oppoſed the Worſhip of Images ſo ſtoutly, *viz.* that after the matters of Religion were agreed, then, according to the Cuſtom of that Age, the other Eſtates being preſent, they proceeded to other matters; and then *Taſſilo*, Duke of *Bavaria*, was brought upon his Knees for Treaſon; and the Cauſe of *Peter*, Biſhop of *Verdun*, was heard, who was likewiſe accuſed of Treaſon, and there purged himſelf. Concerning both which Caſes there are 2 *Canons* ſtill extant among the *Ca-*

nons

nons of that Council; and in *another*, the Biſhops are appointed, by conſent of the King, to do Juſtice in their ſeveral Dioceſſes. And that they had not only a ſhare in the *Legiſlative*, but in the *Judiciary part*, appears by one of the *ancient Formulæ* in *Marculphus*, where it is ſaid, that the King ſat in Judgment, *unà cum Dominis & Patribus noſtris Epiſcopis, vel cum plurimis Optimatibus noſtris*; (*vel*, in the Language of that Age, is the ſame with, *&*.) This was the *Palatine Court*, where *Bignonius* ſaith, *the greater Cauſes were heard, the King himſelf being preſent*, (or the *Comes Palatii*,) *Epiſcopis & Proceribus adſidentibus, the Biſhops and Lords ſitting in Judicature together with him.* And this was not only *the Original* of *the Parliament* of *Paris*, as a ſtanding *Court* of *Judicature*; but the like in *England* was the true foundation of *the Supreme Court* of *Judicature* in *the Houſe* of *Peers*. So that in the eldeſt and beſt Times of *France*, after *Chriſtianity* had prevailed there, neither *Conſultation* about publick Affairs, nor *Adminiſtration* of Juſtice were thought inconſiſtent with the Function of Biſhops.

Concil. Franc. c. 3. & 9.

Marculph. Form. l. 1. c. 25.

Not. in Marc. p. 287.

In *Spain* during the *Gothick Power*, all the great Affairs of the Kingdom, and even the Rights of their Princes, were debated and tranſacted by the greateſt of the Clergy and Nobility together; as may be ſeen in the ſeveral *Councils* of *Toledo* in that time, in the Caſe of *Suintilas*, *Siſenandus*, and others. And in one of them it is ſaid, that after they had diſpatched Matters of Religion, they proceeded *ad cæterarum Cauſarum negotia, to the handling of other Cauſes*. In the 13 Council of *Toledo*, the Caſe of *Impeachments* of *Treaſon* is brought in; and Rules ſet down for the due proceedings therein. And yet from one of theſe Councils of *Toledo* it is, that all the ſtir hath been made in the *Canon-Law* about Biſhops not being preſent in caſes of blood.

Concil. Tolet. 4. c. 75. 5. c. 7. 6. c. 17. 8. in Præf. 12. c. 1. 17. c. 1. Concil. Tolet. 13. c. 2.

In *Germany*, the firſt Laws that were ever publiſhed were thoſe by *Lotharius II. in Comitiis Regni*, ſaith *Goldaſtus*; and there were preſent 33 Biſhops, 34 Dukes, 72 Counts, beſides the People. And by the *Matriculation-Roll* of the *States* of the *Empire*, it appears what a great Intereſt the Clergy have preſerved therein, from the firſt times of the prevalency of Chriſtianity there. And *Arumæus*, a conſiderable Proteſtant Lawyer of the Empire ſaith, *the Biſhops of* Germany *ſit in a double Capacity in the* Diets, *both as* Biſhops, *and as* Princes *of the Empire*. And he commends *the prudence of that Conſtitution with reſpect both to Juſtice, and the Honour and Safety of Religion.*

Rer. Aleman. To. 2. Cod. Leg. Antiq. B. 362.

Arumæ. de Comitiis n. 35 c. 4. n. 98.

For the Kingdom of *Bohemia*, *Goldaſtus*, a learned Proteſtant, ſaith, that *there, as in all other well-conſtituted Kingdoms among Chriſtians, there were* 3 *Eſtates, of* Prelates, Nobles, *and* Commons; *and this continued*, he ſaith, *from the time Chriſtianity was receiv'd, till the days of* Sigiſmond.

Goldaſt. Bohem. l. 5. c. 1.

No ſooner was Chriſtianity received in *Hungary*, but their Princes, *Stephanus* and *Ladiſlaus*, called their great Councils of their Prelates and Nobles; and the Laws made in the *Concilium Zabolchianum* were paſſed by the King, with all his Biſhops and Nobles, and with the conſent of the whole Clergy and People.

Bonfin. dec. 2. l. 1. Decret. Ladiſl. p. 12.

In *Poland*, *Starovolſcius* ſaith, that *their Anceſtors, after they received Chriſtianity, out of regard to Religion, gave the* Biſhops *the firſt place in the Senate; and admitted the Clergy to the great Offices of the Kingdom.* And *Sigiſmond* in his *Conſtitution* ſaith, *the States of* Poland *conſiſt of the* Biſhops, Barons, *and* Delegates, *called Nuncii terreſtres.*

Starovolſc Polon. p. 265. Herbert Stat. Regni Pol. p. 253.

In

Adam. Brem. de ſitu Dan. n. 85. Loccen. Antiq. Sueco-Goth. c. 8. Jus Aulicum Norveg. c. 3. c. 36.

In the *Northern* Kingdoms, *Adamus Bremenſis* ſaith, that *the Biſhops after the People received Chriſtianity, were receiv'd into their publick Councils.* And *Loccenius* reckons up among the ſeveral Eſtates, the Biſhops, Nobles, Knights, and Deputies of the Country and Cities. And it appears by the *Hirdſtraa*, or the ancient Laws of *Norway*, *the Biſhops as well as Nobility were preſent in the Convention of the States, and all publick Councils.*

The like might be proved here in the *Saxon* times, from the Converſion of *Ethelbert* downward. This is ſo very evident, that he muſt blind his Eyes that doth not ſee it, if he doth but caſt them on the Hiſtory of thoſe times.

Theſe things I have laid together with all poſſible brevity and clearneſs, that in one view we may ſee a conſent of all theſe parts of the Chriſtian World, in calling Biſhops to their publick Councils, and moſt ſolemn Debates; and how far they were from thinking ſuch Imployment inconſiſtent with their Sacred Function, and charging them, that thereby *they left the Word of God to ſerve Tables.* Neither can this be looked on as any part of the Degeneracy of the Church, or the Policy of the Papacy; ſince as the fore-cited *Arumæus* ſaith, *they were admitted to this Honour before the Papal Power was advanced; and were ſo far from carrying on the Pope's Deſigns, that they were, in moſt Countries, the greateſt Oppoſers of them.* And when the Popes began to ſet up the Monarchy, their buſineſs was, to draw them off from meeting in theſe Councils, under ſeveral pretences of *Caſes of Blood*, and other things; the better to keep them in a ſole Dependency on themſelves. As will appear by the following Diſcourſe.

Lett. p. 3, 4.

2. The next thing ſuggeſted is, that *the Imperial Law doth forbid Clergy-men having any thing to do with Secular Matters.* And for this a *Reſcript* of *Honorius* and *Theodoſius* is mentioned, and a *Decree* of *Juſtinian.* To which I anſwer,

1. The Imperial Edicts are not the Law of *England.* Our diſpute is about a Right by our own Laws; which a Reſcript of *Honorius* and *Theodoſius* can neither give nor take away. What would become of the whole frame of our Government, and of our juſt Rights and Properties, if the producing of Imperial Edicts would be ſufficient to overthrow them? When the Biſhops once pleaded hard in Parliament in behalf of an Imperial Conſtitution, lately adopted into the Canon-Law; the Anſwer given by all the Temporal Lords was, *Nolumus leges Angliæ mutare, quæ huc uſque uſitatæ ſunt & approbatæ.* They did not mean they would make no Alterations in Parliament, for that very Parliament did ſo in ſeveral things; but their meaning was, as Mr. *Selden* obſerves, that they owned neither Canon nor Imperial Laws here, any farther than they were agreeable to the Laws of the Land.

Stat. Merton. c. 9. 20 H. 3.

Diſſert. ad Flet. c. 9. S. 2.

2. The Imperial Conſtitutions do give liberty to Church-men to have to do in Secular Affairs. The Emperor *Conſtantine*, whoſe Conſtitutions deſerve as great regard as thoſe of *Honorius* and *Theodoſius*, to ſhew his reſpect to the Chriſtian Religion, permitted all Men to bring their Cauſes before the Biſhops, without ever going to the other Tribunals, as *Sozomen*, a Lawyer of *Conſtantinople*, relates. And this is the true foundation of the Conſtitution *De Epiſcopali Judicio*; as *Gothofred* confeſſeth. Which is at large inſerted into the Capitulars, with a more than uſual Introduction; and made a Law to all the Subjects of the Empire, *Franks*, *Saxons*, *Lombards*, *Britains*, &c. and therefore

Soz. hiſt. l. 1. c. 9. Capitul. Carol. & Ludov. l. 6. c 281. ed. Lindenb. c. 366. ed. Baluz.

is

is more conſiderable to theſe parts than a bare Reſcript of *Honorius* and *Theodoſius*. And yet theſe very Emperors, in a Conſtitution of theirs, do ſo far ratifie the Judgment of Biſhops upon Trial by conſent before them that no Appeal doth lie from their Decree. What Reſcript then is this of theirs which ſo utterly forbids Clergy-men having any thing to do with publick Functions, or things appertaining to the Court? I ſuppoſe that Conſtitution of *Honorius* is meant, which confines the Biſhops Power to what concerns Religion; and leaves other Cauſes to the ordinary Judges and the Courſe of Law. But two things are well obſerved by *Jac. Gothofred* concerning this *Reſcript* of *Honorius*: 1. That it is meant of abſolute and peremptory Judgment without Appeal; 2. That whatever is meant by it, not many Years after, this Conſtitution was repealed by *Honorius* himſelf, and the Biſhop's Sentence made as abſolute as before. So that *Honorius* is clearly againſt him, if a Man's ſecond Judgment and Thoughts be better.

Cod. Juſt. de Epiſ. audient. *l.* 1. tit. 4. *c.* 8.

Cod. Theodoſ. *l.* 16. tit. 11. *c.* 1.

3. The Practice of the beſt Men in thoſe Ages ſhews, that they thought no Law in force to forbid Church-men to meddle in Secular Affairs; as might be at large proved from the practice of *Gregory Thaumaturgus* and St. *Baſil* in the *Eaſt*; of *Silvanus* Biſhop of *Troas*, of St. *Ambroſe*, St. *Auguſtine*, and others of the greateſt and moſt devout Church-men of thoſe times. And St. *Auguſtine* was ſo far from thinking it unlawful, that in his Opinion St. *Paul* commanded the Biſhops to do it. *Conſtituit enim talibus Cauſis Eccleſiaſticos Apoſtolus Cognitores.* And the learned *Gothofred* of *Geneva* ſaith, *Mos hic frequens & legitimus eundi ad Judices Epiſcopos. It was then a common and legal practice to go to Biſhops as to their Judges.* Which would never have been if there had been a Law in force to forbid Biſhops meddling in Secular Affairs.

Greg. Niſſ. vit. Greg. Baſil. in *ep.* Socr. *l.* 7. *c.* 37. Ambroſ. de Offic. *l.* 2. *c.* 24. Aug. *ep.* 147. in Pſ. 118. conc. 24. Jac. Goth. in cod. Theod. ad Extrav. de Epiſc. judicio.

4. The Emperors ſtill reſerved to themſelves the Power of diſpenſing with their own *Reſcripts*, and the Canons of the Church. Therefore the Council of *Sardica*, when it prohibits Biſhops going to Court, excepts the Princes calling them thither. Upon which *Balſamon* hath this *Note*; that *although the Canons prohibit it, yet if the Emperor commands, the Biſhops are bound to obey, and to do what he commands them*; without any fault either in the Emperor or them. And in other places, he aſſerts the Emperor's Power of diſpenſing with the ſtricteſt Canons againſt Churchmens meddling in Secular Affairs: Thence he ſaith, the Metropolitan of *Side* was chief Miniſter of State under *Michael Ducas*; and the Biſhop of *Neocæſarea* made the Laws of the *Admiralty* for *Greece*. And the *Gloſſe* upon *Juſtinian*'s *Novels*, obſerves that Biſhops may meddle with the Affairs of the Commonwealth, when their Prince calls them to it. And this is the preſent Caſe; for the Biſhops are ſummon'd by the *King's Writ* to ſerve him in the publick Council of the Nation; and therefore no *Imperial Reſcript*, if it were of force in *England*, could have any in this Caſe, which was allowed by the Imperial Laws themſelves.

Concil. Sardic. *c.* 7. Balſam. in Can. 4. Concil. Chalced. Auth. Collat. 1. tit. 6. Novell. 6. *c.* 2.

5. There is a great Miſtake about *Juſtinian*'s Decree. For the Biſhops are not ſo much as mention'd in it; but the *Defenſores Eccleſiarum*; who were Lawyers, or Advocates of the Church: as appears by a Conſtitution of *Honorius*; where *Gothofred* proves they were not ſo much as in Orders. It is true, *Juſtinian* doth appropriate the *Probate of Wills* to the Maſter of his Revenue; but the Law and Cuſtom of *England*, as *Lynwood* obſerves, hath alter'd that Conſtitution; and which muſt we regard more, *Juſtinian*, or our *own Laws?*

Juſtin. Cod. *l.* 1. tit. 3. *c.* 41. Cod. Theod. *l.* 16 tit. 2. *n.* 38. Lynwood *l.* 3. de Teſtam.

I

I find one thing more ſuggeſted by way of Prejudice to the Cauſe in hand, *viz.* the Common Law of *England*, which hath provided a Writ upon a Clergy-man's being choſen an Officer in a Mannor, ſaying it was *contra Legem & Conſuetudinem Regni, & non conſonum.* The Argument had been altogether as good, if it had been taken from a Miniſter of a Pariſh not being capable of the Office of Conſtable; and it had as effectually proved, that Clergy-men ought not to meddle in Secular Affairs.

Lett. p. 4.

CHAP. II.

The RIGHT in Point of LAW debated. Concerning the Conſtitution *of* CLARENDON *and the* PROTESTATION, 11 *R.* 2.

HAving removed theſe general Prejudices, I now come to debate more cloſely the main Poinr. For the *Author* of the *Letter* undertakes to prove, that *Biſhops* cannot by *Law* give Votes in Capital Caſes in Parliament. Which he doth two ways, 1. By *Statute-Law*; 2. By Uſe and Cuſtom, which he ſaith is Parliament-Law; and for this he produceth many Precedents.

Lett. p. 68.

I. For *Statute-Law*; two Ratifications, he ſaith, there have been of it in Parliament; by the *Conſtitutions of Clarendon*, and the 11 *R.* 2.

1. The *Conſtitutions of Clarendon*; which he looks on as the more conſiderable, becauſe *they were not the enacting of new Laws, but a declaration of what was before.* And for the ſame Reaſon I value them too, and ſhall be content this Cauſe ſtand or fall by them.

Lett. p. 69.

The *Conſtitution* in debate is the 11th, which is thus repeated and tranſlated in the *Letter*. *Archiepiſcopi, Epiſcopi, & univerſæ Perſonæ Regni qui de Rege tenent in Capite, habeant poſſeſſiones ſuas de Rege, ſicut Baroniam, & inde Reſpondeant Juſticiariis & Miniſtris Regis, & ſequantur & faciant omnes conſuetudines Regias:* Et ſicut cæteri Barones, debent intereſſe judiciis Curiæ Regis, quouſque perveniatur ad diminutionem membrorum, vel ad mortem.

The Archbiſhops, Biſhops, and all the dignified Clergy of the Land that hold of the King in Capite, *ſhall hold their Poſſeſſions from the King, as a Barony, and anſwer for their eſtates unto the King's Juſtifices and Miniſters, and ſhall obſerve and obey all the King's Laws: And together with the other Barons, they are to be preſent at all Judgments in the King's Courts, till it come to require either loſs of Member or Life.*

The Argument from hence he enforceth from the ſolemn *Recognition* and publick *Confirmation* of *theſe Conſtitutions*, and *the Oath* taken to obſerve them; from whence he concludes this to be *Teſtimonium irrefragabile*; *An irrefragable and invincible Teſtimony.* And ſo I foreſee it will prove, but to a quite contrary purpoſe from what he intended it.

Lett. p. 71, 72.

The whole *Queſtion* depends upon the meaning of the latter *Clauſe* of this *Conſtitution.* The meaning he gives of it is this, that *the Prelates of*

Lett. p. 61.

the

the Church ſhould not be preſent at the Judgments given in the King's Courts, when loſs of Member or Life was in queſtion.

The meaning of it, I conceive to be this, that the Biſhops are required to be preſent in the King's Courts as other Barons are, till they come to give Sentence as to diſmembring, or loſs of Life.

Whether of theſe is the true meaning is now to be conſidered; and that will beſt be diſcovered theſe three ways; 1. By the Occaſion. 2. By the plain Senſe of the Words, according to their true Reading. 3. By the ſubſequent Practice upon this *Conſtitution* in the Parliament at *Northampton* ſoon after.

1. By the *Occaſion*. The *Author* of the *Letter* aſſigns that Occaſion for this Conſtitution, for which there is not the leaſt Colour, *viz. That the Prelates of that time* were ambitious *of a kind of* Omnipotency, (*in* Judicature *I ſuppoſe he means*) *and that to reſtrain their Power of* Judging Capital Caſes, *this* Conſtitution *was made: And becauſe this ſeemed to be a* Diminution *of their Power*; *therefore* Matt. Paris *ranks it amongſt the* Conſuetudines iniquas, the wicked Cuſtoms *of the former times*. For all which there is not the leaſt Shadow of Proof. Beſides that, it is ſo repugnant to the Hiſtory of thoſe Times, that I can hardly believe a Perſon of ſo much Learning and Judgment, as is commonly ſaid to be the *Author* of the *Letter*, could betray ſo much Unskilfulneſs in the Affairs of thoſe Times. For this is ſo far from being true, that the *Biſhops* did then affect ſuch a *Power of Judging in all Secular Cauſes*, that they looked on their Attendance in the *King's Court* in the *Trial of Cauſes*, as a Burthen which they would fain have been rid of; becauſe they accounted it a *Mark of Subjection* to the Civil Power, and contrary to that *Eccleſiaſtical Liberty*, or Independency on Princes, which from the Days of *Gregory* VII. they had been endeavouring to ſet up. Which *H.* II. being very ſenſible of, reſolved to tie them to the *Service* of their *Baronies*, and to an attendance on the *King's Courts* together with other *Barons*. But leſt they ſhould pretend any force on their Conſciences, as to the Canons of the Church, this *Conſtitution* doth not require, but ſuffers them to withdraw *when they came to Sentence in matters of Blood*. And that this was the true occaſion, I prove by theſe two invincible Arguments. Lett. p. 73.

1. By the Complaint which they made of the *Baronies* as too great a *Mark of Subjection* to the Civil Power. This is plain from *Matt. Paris* himſelf, to whom the *Author* of the *Letter* refers; for when he ſpeaks of *William the Conqueror*'s bringing the *Temporalties* of the *Biſhops* into the Condition of *Baronies*, i. e. forcing them to hold them of him *in Chief*, upon certain *Duties* and *Services*, he calls it *Conſtitutionem peſſimam, a moſt wicked Conſtitution*; juſt as he calls the *Cuſtoms* of *Clarendon*, *Conſuetudines iniquas*, *wicked Cuſtoms*. And he adds, That many were baniſhed rather than they would ſubmit to that *Conſtitution*. For their Privileges were ſo great with the *Frank-almoign* they enjoyed in the *Saxon* times, and their Deſires ſo hearty (eſpecially among the *Monks*, who from *Edgar*'s time had gotten into moſt *Cathedral* Churches) to advance the *Papal Monarchy*, that they rather choſe to quit all, than to give up the *Cauſe* of *the Church's Liberty*, by accepting of *Baronies*. Therefore *Matt. Paris* calls the *Rolls* that were made of the *Services* belonging to theſe *Baronies*, *Rotulas Eccleſiaſticæ Servitutis*, the *Rolls of Eccleſiaſtical Slavery*; than which nothing could be more contrary to that *Eccleſiaſtical Liberty* which was then ſetting up by Pope Matt. Paris, ad A. D. 1070.

Hilbebrand. And to put this out of all diſpute, *Petrus Bleſenſis*, a *Name* well known in this diſpute, in that very *Book* where he complains of the *Biſhops Hypocriſy* about *Caſes of Blood*, in being preſent at hearing and trying Cauſes, but going out at Sentence, complains likewiſe of their *Baronies* as thoſe which gave occaſion to that Hypocriſy, and as *the Marks of the vileſt Slavery*. *Et in occaſione turpiſſimæ Servitutis ſeipſos Barones appellant.* They may think it an Honour to be called the *King's Barons*, but he accounts it *the greateſt Slavery*; and applies that Place of *Scripture* to them, *They have reigned but not by me; they are become Princes, and I know them not.* Now *Pet. Bleſenſis* lived in the Time of *H.* II. and knew the whole Proceedings of the *Conſtitutions of Clarendon*, and was a zealous Maintainer of *Becket*'s Cauſe, for, which was all one, of *the Liberties of the Church*, as they call'd them, againſt the *Civil Power.*

Pet. Bleſ. de inſtitut. Epiſc. p. 451.

2. By the fierce Conteſt between the *Civil and Eccleſiaſtical* Power, about the *Liberties* of *Church-men.* This was carried on from the time that *William* I. brought them into Subjection by their *Baronies*: His *Sons* ſtood upon the *Rights* of *the Crown*, whilſt *Anſelm* and his Brethren ſtruggled all they could, but to little purpoſe, till after the Death of *H.* I. Then *Stephen*, to gratify the great *Prelates*, by whoſe favour he came to the Crown, yielded all they deſired; but he ſoon repented, and they were even with him for it. *Malmesbury* takes particular notice, that he yielded they ſhould have their Poſſeſſions *free and abſolute*; and they promiſed only a *conditional Allegiance* to him as long as he maintained the *Liberties of the Church.* When King *Stephen* broke the *Canons*, as they ſaid, by impriſoning 2 Biſhops, the *Biſhop of Wincheſter* and his *Brethren* ſummoned him to anſwer it before them in *Council*; and there declared that the King had nothing to do with Church-men, till the *Cauſe* was firſt heard and determined by themſelves. All his Time they had no regard to his Authority when it contradicted their Wills; and when the Peace was made between *Him* and *H.* II. *Radulphus de Diceto* takes notice, That the Power of the Clergy increaſed by it. In this ſtate *H.* II. found Things, when *Gul. Neuburgenſis* ſaith, *The great Buſineſs of the Church-men was to preſerve their Liberties.* Upon this the great Quarrel between *Him* and *Becket* began: This made the King ſearch what the *Rights* of *the Crown* were which his Anceſtors challenged; to theſe he was reſolved to make *Becket* and his *Brethren* ſubmit. For this purpoſe the *Parliament* was called at *Clarendon*; and after great Debates the 16 *Conſtitutions* were produced, which were thoſe the King was reſolved to maintain, aud he made the *Biſhops* as well as others ſwear to obſerve them. Now when the reſt of them relate to ſome *Exemptions* and *Privileges* which the *Church-men* challenged to themſelves about their *Courts*, *Excommunications*, *Appeals*, and ſuch like, and which the King thought fit to reſtrain them in. (From whence in *Becket's Epiſtles* it is ſaid, thoſe *Conſtitutions* were framed *ad ancillandam Eccleſiam, to bring the Church in ſubjection*, as *Baronius* ſhews out of the *Vatican* Copy. And *Fitz-Stephen* ſaith, *All the Conſtitutions of Clarendon were for ſuppreſſing the Liberty of the Church, and oppreſſing the Clergy:*) I ſay, conſidering this, is there not then great Reaſon to underſtand this 11*th Conſtitution* after the ſame manner, *viz.* That notwithſtanding King *Stephen's Grant*, *H.* II. would make them hold by *Baronies*, and do all the Service of *Barons* in *the King's Courts* as other *Barons* did; and he would allow them no other *Privilege*, but that of

Malmesb. Hiſt. Novel. p. 100. b.

Rad. de Diceto Imag. Hiſt. p. 509, 528

Gul. Neuburg. l. 2. c. 16.

Bar. ad A. D. 1164. n. 3.

Fitz-Stephen vit. Th. Beck. MS.

with-

withdrawing when they came to Sentence in a Caſe of Blood? What is there in this ſenſe, but what is eaſy and natural, and fully agreeable to the ſtate of thoſe Times? Whereas there is not the leaſt foundation for the pretence of the *Biſhops* affecting to be preſent in all Cauſes, which the *King* muſt reſtrain by this *Conſtitution*.

This ſenſe of it is not only without ground, but abſolutely repugnant to all the *Hiſtory* of that *Age*. For if this *Conſtitution* was intended to *reſtrain* the *Biſhops* from trying *Cauſes of Blood*, then the *Biſhops* did deſire to be preſent in thoſe *Cauſes*, and the *King* would not ſuffer them. Whereas it is evident that the *Biſhops* pretended ſcruple of Conſcience from the *Canons* that they could not be preſent; but in truth ſtood upon their Exemption from the *Service* of *Barons*, which they call'd *Eccleſiaſtical Slavery*. And therefore that could not be the ſenſe of the *Conſtitution*, to reſtrain them in that which they deſired to be freed from, and which by this *Conſtitution* of *Clarendon* was plainly forced upon them againſt their Wills. For *Lanfranc* had brought the *Canon* of the 11*th Council* of *Toledo* into *England*, *That no Biſhop or Clergy-man ſhould condemn a Man to Death, or give Vote in the Sentence of Condemnation*: At which *Council* were preſent 2 *Archbiſhops*, 12 *Biſhops*, and 21 *Abbots*. And before *H.* II's Time this *Canon* of *Toledo* was received into the Body of the *Canon-Law*, made by *Ivo*, *Burchardus*, *Regino*, and *Gratian*, who lived in the Time of King *Stephen*. And when they ſaw ſuch a *Canon* ſo generally received, is there not far greater Reaſon to think they deſired to withdraw, than that they ſhould preſs to be preſent, and the King reſtrain them? But the *Conſtitution* is ſo framed on purpoſe to let them underſtand, that the *King* expected in all *Judgments* they ſhould do their *Duty* as other *Barons*: But leſt they ſhould think he purpoſely deſigned to make them break the *Canons*, he leaves them at liberty to *withdraw* when *Sentence* was to be given. So that I can hardly doubt but the *Author* of the *Letter*, if he pleaſe calmly to reflect upon the whole *Matter*, will ſee Reaſon to acknowledge his miſtake; and that this *Conſtitution* was ſo far from intending to reſtrain the *Biſhops* from all *Judicature* in *Caſes of Blood*, that, on the contrary, it was purpoſely framed to oblige them to be preſent, and to act in ſuch Cauſes as the *other Barons* did, at leaſt till the Cauſe was ripe for Sentence; which laſt Point the King was content to yield to them, out of regard and reverence to the *Canons* of the Church. For the Words of the *Law* are not Words of *Prohibition* and *Reſtraint* from any thing, but of *Obligation* to a *Duty*; which was, *to be preſent* and *ſerve* in the *King's Courts of Judicature*, *in like manner as the other Barons did.*

Spelm. Concil. *To.* 2. p. 8, 9, 11

From all which it is evident, I think, beyond contradiction, That the *Occaſion* of this *Law* was not *the* Ambition *of the Prelates*, (as the *Author* of the *Letter* ſuggeſts) *to thruſt themſelves into this kind of Judicature*; but an *Ambition* of a worſe kind, (though quite contrary) *viz.* under a pretence of *Eccleſiaſtical Liberty* and *Privilege*, to exempt themſelves from the *Service* of the *King* and *Kingdom*, to which by virtue of their *Baronies* they were bound, *ſicut cæteri Barones*, *as well as the other Barons*. And therefore it is ſo far from being true, that the *Biſhops* exerciſe of this *Juriſdiction* together with the *Temporal* Lords is a *Relique* of *Popery*, and one of the *Encroachments* of the *Clergy* in thoſe *Times* of *Ignorance* and *Uſurpation*, as ſome well meaning *Proteſtants* are now made to believe; that, on the contrary, the *Exemp-*

P. 7.

tion of the *Clergy* from this kind of *Secular Judicature* was one of the *higheſt Points* of *Popery*, and that which the *Pope* and his *Adherents* conteſted for with more Zeal than for any *Article* of the *Creed*. This was one of thoſe *Privileges* which *Thomas Becket* ſaid *Chriſt purchaſed for his Church with his Blood*, and in the obſtinate defence whereof againſt the King, he himſelf at laſt loſt his Life. And now to put the matter beyond all doubt, I appeal to any Man skilled in the *Hiſtory* of thoſe *Times*, whether *Thomas Becket* oppoſed the *Conſtitutions* of *Clarendon* to the Death, and broke the *Oath* he had taken to obſerve them, becauſe by them (among other things) the *Biſhops* were *excluded* from *Judicature* in *Caſes of Blood*? Or for the quite contrary reaſon, (among others) becauſe this *Service* of the *King* in his Courts, impos'd on them by virtue of their *Baronies*, was look'd upon by him as a violation of the *Privileges* of the *Church*, and a *Badge* of *Eccleſiaſtical Slavery*, which by all means he deſir'd to caſt off. And if the latter be the true Reaſon, I leave it to the impartial *Reader*, and even to the *Author* of the *Letter* himſelf upon ſecond Thoughts, whether he have not widely miſtaken both the *Occaſion* and *Meaning* of this Law.

2. Let us conſider the plain *Senſe* of the *Words* according to the *true reading* of them. The *Author* of the *Letter* hath made uſe of the moſt imperfect *Copy*, *viz.* that in *Matt. Paris*; I cannot tell for what reaſon, unleſs it be that in the *laſt Clauſe* [*in Judicio*] is there left out, which is put in the Copy extant in *Gervaſe*, and in the *Vatican* Copy, and in ſeveral MSS. in all which it runs thus, *Et ſicut Barones cæteri debent intereſſe judiciis Curiæ Regis cum Baronibus, uſque* perveniatur in judicio *ad diminutionem membrorum, vel ad mortem.* Now here are two things to be diſtinguiſhed.

1. Something expreſly required of the *Biſhops* as to their *Preſence in the King's Courts*, viz. *That they muſt attend as other Barons*, and ſit together with them; and therefore it is expreſſed twice, *Et ſicut cæteri Barones*, in the beginning of that Clauſe, and *cum Baronibus* again after, and *debent intereſſe* in the middle. And can any one ſoberly think, that the meaning of all this is, they muſt not be preſent in Caſes of Blood? No: the *Conſtitution* ſaith, *they ought to be preſent as other Barons*, and ſit *with* other *Barons* in the *Trials of the King's Courts*. And yet the *Author* of the *Letter* doth (to ſpeak mildly) very unfairly repreſent this *Conſtitution*, as if it did forbid the *Prelates* to be at all *preſent in the Judgments of the King's Courts in Caſes of Blood*, and that in expreſs Words. For, ſpeaking of the *Conſtitutions* of *Clarendon*, he hath
P. 61. this Paſſage, *And one of theſe Conſtitutions was, That the Prelates of the Church ſhould not intereſſe Judiciis Curiæ Regis, be preſent at the Judgments given in the King's Courts.* Whereas this *Conſtitution* (as he himſelf cites it afterwards) runs thus, *Debent intereſſe Judiciis Curiæ Regis, quouſque, &c. They ought to be preſent in the Judgments of the King's Courts till it come to loſs of Members or Life.* So that this *Law* expreſly ſays, *That they ought to be preſent in the Judgments of the King's Courts, till it come, &c. And when it comes to Loſs of Members or Life*, it doth not ſay, (as the *Author* of the *Letter* affirms) that *they ſhould not be preſent* then, nor do the Words of the *Conſtitution* imply any ſuch thing; but only require (as I ſhall evidently make appear) their Preſence ſo far, and when it ſhould come to *Sentence*, leaves them at liberty to withdraw in obedience to the *Canons* of the Church, which they

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pretended themſelves bound in Conſcience to obſerve. And this is the true Reaſon, why, among the 16 *Conſtitutions* of *Clarendon*, (whereof 10 were *condemned*, 6 *tolerated*, but *none approved*, by *Pope Alex.* III.) this 11 was one of the 6 which eſcaped with an *Hoc toleravit*, *this the* Pope *was content to tolerate*; becauſe in the laſt Clauſe of it there was regard had to the Canons of the Church. Of this miſrepreſentation of the Conſtitution under debate, though it might have deſerved a more ſevere animadverſion, I ſhall ſay no more, becauſe I have no deſign to provoke the *Author* or any body elſe, but only to convince them. Baronius ad Ann. 1164.

2. Something allowed to the *Biſhops* as peculiar to themſelves, *viz.* that when the *Court* hath proceeded ſo far *in judicio*, in a particular Trial, for before it is *Judiciis* in general that Sentence was to be given either as to diſmembring, or loſs of life, then they are at liberty; but till then they are required. As ſuppoſe *Charles* V. had required the *Proteſtant Princes* to attend him to *Maſſe*, as *other Princes* did; only when the *Maſs-Bell* tinkled they might withdraw; would not any reaſonable Man underſtand by this, that they were obliged to their Attendance till then? So it is here: The *King* commands their Attendance till it comes to ſuch a point; therefore before it comes thither, their Preſence is plainly required, by this Conſtitution. And ſo inſtead of there being a *Statute-Law* to exclude the *Biſhops* at ſuch *Trials*, there is one to require their Preſence *in judicio*, in the Proceedings of ſuch a Trial, till it comes to Sentence. All that can be ſaid in this Caſe is, *That the laſt Clauſe is not to be underſtood of the Sentence, but of the kind or quality of the Cauſe*; i. e. *they are to be preſent in the King's Courts, till they come to a Cauſe wherein a Man's Life or Members are concerned.* But that this cannot be the meaning will appear.

1. There is a great deal of difference between *quouſque perveniatur ad judicium mutilationis membrorum, vel mortis*, that might have been underſtood of a *Cauſe of Blood*; and *quouſque perveniatur in judicio ad mutilationem membrorum, vel ad mortem*, for this ſuppoſeth a Trial already begun, and the Biſhops preſent ſo far in it; but when it comes to the point of *mutilation* or *death*, then they have leave to withdraw. So that this laſt *Clauſe* muſt either be underſtood of *Execution*, which no one can think proper for the *King's Courts*; or for the *Sentence* given by the *Court*, which is moſt agreeable.

2. The Senſe is beſt underſtood by the Practice of *that Age*. For, if the meaning of the *Conſtitution* had been, they muſt not be preſent in any *Cauſe of Blood*, and the *Biſhops* had all ſworn to obſerve it; can we imagine we ſhould find them practiſing the contrary ſo ſoon after? And for this I appeal to *Petrus Bleſenſis*, whoſe Words are ſo material to this purpoſe, that I ſhall ſet them down. *Principes Sacerdotum & Seniores Populi, licèt non dictent judicia ſanguinis, eadem tamen tractant diſputando & diſceptando de illis; ſeque ideo immunes à culpa reputant, quòd mortis aut truncationis membrorum judicium decernentes, à pronunciatione duntaxat & executione pœnalis ſententiæ ſe abſentent.* Whereby it is evident that the *Biſhops* were preſent at all Debates, and gave *Votes in Cauſes of Blood*; but they abſented themſelves from the *Sentence*, and the *Execution of it*. It's true, *Pet. Bleſenſis* finds fault with them for this. But what is that to *the Law*, or to the practice of *that Age*? I do not queſtion, but *Pet. Bleſenſis* condemned the obſervation of the other *Conſtitutions* of *Clarendon*, as well as this; and in all probability this Pet. Bleſ. de Inſtit. Epiſc. p. 454.

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passage of his was levelled at those *Bishops* who did observe this 11. *Constitution.*

3. We have a plain way to understand the *meaning* of *this Constitution*, by what happen'd soon after in the *Parliament* at *Northampton*, which was summon'd upon *Becket*'s Obstinacy and Contempt of *the King's Authority*; where *Fitz-Stephen* saith, *he was accused of Treason; and the Bishops sate together with other Barons*; and because it did not come to a Sentence of Death, after great debate between the other *Lords* and the *Bishops* about pronouncing the Sentence, *the Bishop* of *Winchester* did it. Wherein we have as plain evidence as can be desired, that *the Bishops* did sit with *the other Barons*, and *vote* with them in a *case of Treason.*

To this *Precedent* the *Author* of the *Letter* answers several things.

Lett. p. 60. pag. 62. 1. That *none of the ancient Historians of those Times, say any thing of his being accused of Treason:* and therefore he *thinks one may modestly affirm, that it was a mistake* in *Fitz-Stephen* to say so. But what if *H.* II. and *Becket* himself both confess that he was charged with *Treason?*

Vol. Epist. Becket in Bib. Cotton. MS. l. 1. ep. 65. *H.* II. in his *Letter* to *Reginaldus* saith, *that by consent of his Barons and Clergy he had sent Ambassadors to Pope* Alexander, *with this Charge, That if he did not free him from that Traitor* Becket, *he and his Kingdom would renounce all Obedience to him.* And *Becket* did not think this a bare term of reproach; for in one of his *Letters* he saith, *that defending the Liberties of the Church, læsæ Majestatis reatus sub persecutore nostro est,* was *looked on as Treason* by the King. And even *Gervase* himself, to whom *the Author* of *the Letter* appeals, saith, *some of his Friends came to him, at* Northamptom, *and told him, if he did not submit to the King, he would be proceeded against as a Traitor, for breaking the Allegiance he had promised to the King, when he did swear to observe the ancient Customs at* Clarendon. And *Fitz-Stephen* saith, *the King's Council at* Clarendon *said it was Treason, or taking the King's Crown from his Head, to deny him the Rights of his Ancestors.*

Ep. 52. Gervas. Chronic. p. 1391. Fitz-Stephen Vit. T. Becket. de Concilio apud Clarendon.

Lett. p 63. 2. That it was *a strange kind of Treason Becket* was charged with at *Northampton, viz. for not coming when the King sent for him*; which *at the most* was only *a high Contempt*; *and* Fitz-Stephen, *who was a Creature of the Archbishop's, might represent it so, to draw an odium on the King.* And therefore he *looks on this as a weak precedent for the Bishops to lay any weight upon, being at best out of a* blind MS. *of an Author justly suspected of partiality, against the tenor of all the ancient Writers that give an account of the same business.* What truth there is in this last suggestion appears in part already, and will do more by what follows. Must all the *unprinted Records* be answered with saying, they are *blind MSS?* I cannot but take notice how unreasonable a way of answering this is. It is like turning of that pressing *Instance* of the Bishops making a *Proctor* in Capital Cases, by saying it was *Error temporis*; which because it will answer all *Instances* whatsoever as well as that, is therefore an answer to none. Just so it is equally an answer to all *MSS*, to say they are *blind*; and to all *printed Books* too, because they were once *MSS*, and, for any thing that appears to the contrary, as *blind* as *Fitz-Stephen's.* For surely no Authority is added to a Book by its being printed; unless in the Opinion of the Common People, who are said *to take all for true that is in print.* I do not go about to parallel *Fitz Stephen* with *Parliament Rolls*; but I say, his Authority is very good; being present upon the Place, and the best we have, of all the Proceedings in the *Parli-*

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ament at *Northampton*. And if the *Author* of the *Letter* had taken the pains to peruſe him, he would not have contemned the *Precedent* drawn from thence; which being ſo near the *Parliament* at *Clarendon*, (that, as himſelf confeſſeth, the *one* was in *February*, the *other* in *October following*,) it gives the beſt Light into this matter of any thing in that Age; and being not yet fully printed, it will be worth our while to ſet it down. Mr. *Selden* hath indeed printed very exactly the Proceedings of the *firſt Judgment* upon *Becket* about the Cauſe of Contempt, for not coming upon the *King's Summons*, at the complaint of *John* the *Marſhall*; wherein the *Biſhops* did certainly *ſit in Judgment* upon him with the other *Barons*; but there is a farther ſtrength in this *Precedent*, not yet taken notice of. Which is, that after this *Judgment* paſſed *Becket* behaved himſelf with ſo great inſolency towards the *King* and the *Biſhops*, upon the *King*'s calling him to farther account, for many other things laid to his Charge, as *diverting the King's Treaſure* and applying it to his own uſe, and *great Accounts to the King while he was Chancellor*, &c. that the *King* required him to ſtand to the *Judgment* of his *Court*. *Becket* gave a dilatory Anſwer: the *King* ſummons the *Biſhops* and *Earls* and *Barons* to give *Judgment* againſt him; the *Biſhops* tell the *King*, *Becket* had appealed to *the Pope*, and prohibited them to give any farther Judgment upon any Secular Complaint againſt him. Whereupon the *King* ſent ſome *Earls* and *Barons* to him to expoſtulate the matter, ſince he was the *King's Subject*, and had ſo lately ſworn to *the Conſtitutions at Clarendon*; and to know whether he would give Security to the *King* about making up his Accounts, and ſtand to the Judgment of his Court. *Becket* refuſeth to give anſwer to any thing, but the *Cauſe* of *John the Marſhal*, for which he was ſummoned to appear, ſlights his *Oath*, as contrary to *the Rights of the Church*, and confirms his *Appeal* to the *Pope*. And *ſuch an owning of the Pope's Power, in derogation to the Rights of the Crown*, Sir *Edward Coke* ſaith, *was Treaſon by the ancient Common-Law, before any Statutes were made*. However, *the King* charges *the Biſhops* by virtue of *their Allegiance*, that, *together with the Barons*, they would give *Judgment* upon the *Archbiſhop*. They excuſed themſelves *on the account of the Archbiſhop's Prohibition*. The *King* replied, *That had no force againſt the Conſtitution of* Clarendon, *ſo lately made and acknowledged by them*. The Words of *Fitz-Stephen* are theſe: *Rex, reſponſo Archiepiſcopi accepto, inſtat Epiſcopis, præcipiens & obteſtans per homagium & fidelitatem ſibi debitam & juratam, ut ſimul cum Baronibus de Archiepiſcopo ſibi dicent Sententiam. Illi ſe excuſare cœperunt per interpoſitam Archiepiſcopi prohibitionem. Rex non acquievit, aſſerens, quòd non teneat hæc ejus ſimplex Prohibitio contra hoc quod Clarendonæ factum & initum fuerat*. So *that H.* II. in the *Parliament* at *Northampton* declared, *that Biſhops were bound, by virtue of the Conſtitution of* Clarendon; *to be preſent*, and *to give their Votes in caſes of Treaſon*. And the *Biſhops* did not deny this, but uſed prudential Arguments to diſſwade *the King* from proceeding any farther, the *Appeal* being made; and that *it was for the Good of King and Kingdoms*, for them *to ſubmit to the Prohibition*. And the Biſhop of *Chicheſter* told *Becket*, he *made them go againſt the Conſtitutions of* Clarendon, which they had ſo lately ſworn to obſerve; in theſe remarkable Words; *Quo contra nos venire compellitis, interdicendo, nè ei quod de nobis exigit adeſſe poſſumus Judicio*. By which we ſee this *Conſtitution* is indeed *an irrefragable Teſtimony*; but it is to prove that *Biſhops are bound to be preſent* even in *Caſes of Treaſon*, when the

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Titles of Honour, p. 2. c. 5. n. 20.

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King ſummons them. And as to the caſe of *Becket's Treaſon*, the ſame *Biſhop* told him, it lay in *breaking his Oath* about thoſe *Conſtitutions*, wherein *the Rights of the Crown were declared.* And if this be not *Treaſon* by the *Common Law*, Sir *Edward Coke's Preface* to his fifth *Book of Reports* ſignifies nothing.

pag. 14. The late *Author* of the *Peerage and Juriſdiction of the Lord's Spiritual* takes it for granted, that by the *Conſtitution of* Clarendon, the *Juriſdiction* of Biſhops was limited, that it ſhould not extend *ad diminutionem membrorum, vel ad mortem.* But the foregoing Diſcourſe hath, I ſuppoſe, made it evident, that thoſe Words contain no *Limitation* but a *Privilege* or *Indulgence* to them with reſpect to the *Canon-Law.* And he takes very needleſs pains to prove this to be *declarative of the Common Law*; and that the Meeting at *Clarendon* was a full Parliament: which are very much beſides the buſineſs.

All that looks towards this matter is, that he ſaith, this *Statute was confirmed by a Council at Weſtminſter*; for which he cites *Rog. Hoveden's* Authority. But I wiſh he had produced the *Canon* entire as he there found it; for then the ſenſe of it would have been better underſtood. In this *Synod* at *Weſtminſter*, *Richard*, *Archbiſhop* of *Canterbury*, produceth ſeveral ancient Canons, which he thought fit to be obſerved here. Among the reſt he mentions *that* of the *Council* of *Toledo.* The Words are theſe: *His qui in Sacris Ordinibus conſtituti ſunt, Judicium ſanguinis agitare non licet.* Here he makes his *&c.* and leaves out the *Prohibition* which declares the meaning and extent of this Canon: *Unde prohibemus, nè aut per ſe membrorum truncationes faciant, aut inferendas judicent*; *wherefore we forbid them, either to diſmember any Perſons themſelves, or to give Judgment for the doing of it.* Both which were practiſed in *Spain* in the time of the Council of *Toledo*, which was the occaſion of this Canon. And then follows the *Sanction* of *Deprivation* if Men did otherwiſe. And what now doth this ſignifie more to the Conſtitution of *Clarendon*, than that the ſame Canons were now revived; which gave the occaſion to that Permiſſion of withdrawing, when the Sentence came to be pronounced as to diſmembring or loſs of Life.

pag. 18. But he urges farther about this Conſtitution, that it muſt be ſo underſtood, as to exclude the Biſhops from all antecedent and *præliminary* things which do *relate* or *tend ad diminutionem*, &c. or elſe ſaith he, *it muſt be only the exemption of the Prelates from doing the Office of Executioners, which is Nonſenſe.* Why ſo? Though it be not the whole ſenſe of the Canon, yet ſurely it is Senſe. But he might have thought of *giving Sentence*, which the *Canons* forbid, and is different from *Execution*, and doth not exclude the Biſhops preſence at *præliminaries.* The *Conſtitution* of *Weſtminſter*, he ſaith, is plainer, *Non debent agitare judicium ſanguinis*; which he ſaith, excludes the exerciſe of any Judicial Power in Caſes of *Blood.* Whereas it appears by the *Prohibition* there extant, nothing is forbidden but giving *Sentence*; at which the Conſtitution of *Clarendon* allows them to withdraw.

Lett *p.*73. 2. The *ſecond time* we are told that the *Excluſion* of the *Biſhops* in Caſes Capital *received a confirmation in Parliament, was the* 11. *of* R. *II.* when *the Archbiſhop and the other Biſhops, upon their withdrawing then from the Parliament, in regard matters of Blood were there to be agitated and determined, in quibus non licet alicui eorum perſonaliter intereſſe*, as they ſay, *in which it was not lawful for any of them to be preſent in Perſon,*

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did therefore enter a Proteſtation, with a Salvo to their Right of Sitting and Voting in that and all other Parliaments, when ſuch matters were not in Queſtion; which Proteſtation of theirs was at their deſire enrolled in full Parliament by the King's Command, with the Aſſent of the Lords Temporal and Commons. So that it is here ſaid to be *a perfect and compleat Act of Parliament; and if it had not been a Law before, would then have been made one.* This is the ſubſtance of what is more largely inſiſted on in another Place; and what ſtrength is there added ſhall be duly conſidered.

To underſtand this buſineſs aright, it will be neceſſary to ſet down the *Proteſtation* it ſelf at large, as it is taken out of *Courtney*'s Regiſter, and the *Parliament-Rolls*; and then examine the *Points* that do ariſe from thence. The *Proteſtation* runs thus: Rot. Parl. 11. R. 2. n. 9.

In Dei nomine Amen. Cùm de jure & conſuetudine Regni Angliæ, ad Archiepiſcopum Cantuarienſem, qui pro tempore fuerit, necnon cæteros ſuos Suffraganeos, Confratres & Coëpiſcopos, Abbatéſque, & priores, aliósque Prælatos quoſcunque, per Baroniam de Domino Rege tenentes, pertineat in Parliamentis Regis quibuſcunque, ut Pares Regni prædicti, perſonaliter intereſſe, ibidémque de Regni Negotiis, & aliis ibidem tractari conſuetis, cum cæteris dicti Regni Paribus, & aliis ibidem jus intereſſendi habentibus, conſulere, tractare, ordinare, ſtatuere, & definire, ac cætera facere quæ Parlamenti tempore ibidem imminent facienda; in quibus omnibus & ſingulis, Nos Willielmus Cantuar. Archiepiſcopus, totius Angliæ Primas, & Apoſtolicæ ſedis Legatus, pro nobis, noſtriſque Suffraganeis, Co-epiſcopis, & Confratribus, nec non Abbatibus, Prioribus, ac Prælatis omnibus ſupradictis, proteſtamur, & eorum quilibet proteſtatur, qui per ſe, vel per procuratorem hic fuerit modò præſens, publicè, & expreſſè, quod intendimus, & intendit, volumus, ac vult quilibet eorum, in hoc præſenti Parlamento, & aliis, ut pares Regni prædicti, more ſolito intereſſe, conſulere, tractare, ordinare, ſtatuere, & definire, ac cætera exercere, cum cæteris jus intereſſendi habentibus in eiſdem, ſtatu & ordine noſtris & eorum cujuſlibet in omnibus ſemper ſalvis. Verum quia in præſenti Parlamento agitur de nonnullis materiis in quibus not licet nobis, aut alicui eorum, juxta Sacrorum Canonum inſtituta quomodolibet perſonaliter intereſſe, *ea propter pro nobis & eorum quolibet proteſtamur & eorum quilibet hîc præſens etiam proteſtatur, quòd non intendimus, nec volumus, ſicuti de jure non poſſumus, nec debemus, intendit, nec vult aliquis eorundem, in præſenti Parlamento, dum de hujuſmodi materiis agitur, vel agetur, quomodolibet intereſſe; ſed nos & eorum quemlibet in ea parte penitùs abſentare, jure paritatis & cujuſlibet eorundem intereſſendi in dicto Parlamento, quoad omnia & ſingula mihi exercenda, noſtris & eorum cujuſlibet ſtatu & ordine congruentia, in omnibus ſemper ſalvo. Ad hæc inſuper proteſtamur, & eorum, quilibet proteſtatur, quòd propter hujuſmodi abſentiam, non intendimus, nec volumus, nec eorum aliquis intendit vel vult, quòd proceſſus habiti & habendi in præſenti Parlamento ſuper materiis antedictis, in quibus* non poſſumus, nec debemus, ut præmittitur, intereſſe, *quantum ad nos & eorum quemlibet attinet, futuris temporibus quomodolibet impugnentur, infirmentur, ſeu etiam infringentur.*

This *Proteſtation*, ſetting aſide the legal Formalities of it, conſiſts of 3 Parts; 1. A Declaration of their undoubted *Right as Peers of the Realm*, by virtue of their *Baronies*, to *Sit* and *Vote* in *all Debates* of Parliament. 2. Of their intention to *withdraw this Parliament*, becauſe ſeveral matters were to be handled, at which *it was not lawful for them, according to the Canons, to be preſent.* 3. That by *this abſenting* themſelves

ſelves they did not intend, as far as concerned them, to *null the Proceedings* of that *Parliament*.

Here now ariſe three main *Points* to be diſcuſſed.

1. Upon what Grounds the *Prelates* declared, it was not lawful for them to be preſent in *Parliament*, at ſuch matters?

2. How far the *Parliament*'s receiving that *Proteſtation* makes it a *Law?*

3. Whether on ſuppoſition it were a part of *Canon-Law* then in force, it continues ſo ſtill ſince the *Reformation*.

1. Upon what Grounds they declared it unlawful for them to be preſent in Parliament at ſuch matters? One would think the very reading the *Proteſtation* were ſufficient to convince any Man; for the *Biſhops* declare as plainly as Men could do, that it was out of regard to the *Canons of the Church*, and not from any *Law of the Land*. For how was it poſſible that the ſame Men ſhould declare, That by Reaſon of their *Baronies*, they had full Right to be perſonally preſent in all Debates of *Parliament*, if there were ſome Law in force which made it unlawful for them to be perſonally preſent? The greater force there is in the *Proteſtations* being receiv'd in Parliament, the greater ſtrength there is in this Argument. For if the *Proteſtations* being allow'd by *King, Lords, and Commons*, make it (as the *Author* of the *Letter* affirms) a perfect and compleat *Law*, then their *Right* to be preſent in all Debates in Parliament is a *Law*; and ſo much the more conſiderable, becauſe it is no enacting Law, making that to be ſo which was not before, but declarative of what was confeſſed to be their *undoubted Right* by *King, Lords, and Commons*. And therefore I do not wonder, that the *Author* of the *Letter*, ſo conveniently to his purpoſe, left out all the beginning of the *Proteſtation*, which ſo fully clears the ſenſe of the reſt. For the very ſame thing which afterwards the *Biſhops* ſay they are forbid to do by the *Canons*, that is, *perſonaliter intereſſe, to give their perſonal Attendance*, they ſay at firſt, by *Right* of their *Peerage*, as *Barons by tenure*, did belong to them; for there the Words are *perſonaliter intereſſe* too. Therefore *that* perſonal Attendance in ſuch matters, which they ſaid was unlawful to them by the Canons, they challenge to themſelves as their juſt *Right* by virtue of their *Baronies*. But is it poſſible to imagine, if they had been precluded from ſitting by any antecedent Law, that ever ſuch a publick avowing their Right would have paſſed the *King* and both *Houſes?* So unſucceſsful hath the *Author* of the *Letter* been in his *Statute-Laws*, that there can be no ſtronger Evidence of the *Biſhops Right* to ſit in ſuch *Caſes*, than thoſe which he produceth againſt them.

Letter, *p.* 21, 22. But he goes about to prove, this *Prohibition* cannot be underſtood *only of the Canon-Law*; *for the Canon-Law*, ſaith he, *was to them above all Laws*; *and what was forbidden by that Law, they could not have a Thought, that it could in any ſort be lawful for them to challenge as their Right, upon any Account*. I confeſs I can ſee no force in this Reaſoning: For when a thing is forbidden to Men meerly by a *poſitive Law* of the *Church*, and the *Penalty* of it is a bare *Irregularity* by the *Canons*, why may not ſuch Men challenge their own *Right* notwithſtanding thoſe *Canons*, becauſe the *Irregularity* might be diſpenſed with, when the Pope ſaw convenient? And by the *Conſtitutions* of *Othobon*, which were made in the Time of *H.* III. we find, that if an inferiour Clergyman tranſgreſſed this *Canon*, it was in the Power of the *Dioceſan* to abſolve him from his Irregularity. And this Canon was received and

Conſt. Othob *c. Nè Clerici.*

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enforced most here in *England* on the inferiour Clergy, as appears by the Canons of *Stephen Langton* in the *Council* of *Oxford*, and other *Synodal Constitutions* here. For it is a *Rule* in *Lynwood*, *Clericus ex vi verbi non comprehendit Episcopum, sed cum adjuncto, sic in quantum illud adjunctum potest concernere Episcopum.* That by *Clerici* we are not to understand Bishops, unless there be some adjunct that implieth it. And among the *Decretals*, there is *one* from *Alexander* III. to the *Archbishop* of *Canterbury*, under the *Title Nè Clerici*, to the same purpose. Where the *Gloss*, I grant, comprehends *Prelates*; therefore I will not deny, but they were to be *irregular* by the *Canon-Law* as well as others. But then we are to consider how far the *Legatine* Power, vested in the *Archbishop* of *Canterbury*, might extend in such a *Case*; and that there was the same Severity in the *Canons* against *Clergy-men*'s taking upon them any *Secular* Office; and yet in this very *Parliament*, *Thomas Arundel*, *Bishop* of *Ely*, was *Lord-Chancellor*; and after him *William* of *Wickham*, *Bishop* of *Winchester*; and before them, *R. Baybroke*, *Bishop* of *London*; and the *Bishops* of *Durham* and *Exeter* were *Lords-Treasurers* under *R.* II. And in *H.* III's Time we find 3 *Clergy-men Lords Chief Justices*, *Pateshull*, *Lovell*, and *Mansell*, notwithstanding *these Canons*: And in *Edward* III's Time almost all the great *Offices* of the *Court* were executed by Clergymen. By which we see they did not think themselves so strictly bound to observe those *Canons*; or it was so easy to be dispensed with, that they had great Reason to insist upon the challenge of their own *Right*, notwithstanding the *Canon-Law*.

Spelman. *Con.* To. 2. *p.* 18; *p.* 451. Lynwood ad tit. de Loc. & con. c. vendentes, Si quis Clericus. Decretal 3. *tit.* 50. c. 5.

The Truth is, The *Canon-Law*, as it was managed in those Days, was one of the most mysterious pieces of *Ecclesiastical Policy*: It was an *Engine*, which the artificial Church-men could screw up or let down as they pleased. If it were in a matter likely to be prejudicial to their Interest, (as it was most apparently the Case in 11 *R.* II. when matters grew so high between *R.* II. and the *powerful Lords*, and so many *Favourites* were to be impeached, and among them *Alexander Archbishop* of *York*) then it was a time to quote the Canons, and to enter a *Protestation*, and to withdraw: If the Times were calmer, and more settled, or some great Reason moved them, then they could stick to their *Right* of *Peerage*, and make use of it, either in *Person* or by *Proxy*, as they thought convenient. Nor was it so easy a matter to resolve what was *Canon-Law* in *England*, but they might with some Colour make use of either of these *Pleas*. For in this very *Parliament* 11 *R.* II. the *Commons* desire that those may be reputed *Traitors* who brought in the *Pope*'s Bulls of *Volumus & Imponimus*; which shews that they did not think all *Canon-Law* that passed for such at *Rome*. And 15 *R.* II. Sir *Will. Brian* was sent to the Tower, for bringing a *Bull* from *Rome* which was judg'd prejudicial to the *King*, and derogatory to his *Laws*. And in 16 *R.* II. *Will Courtney*, *Archbishop* of *Canterbury*, (the same who enter'd the *Protestation* before-mentioned) makes another of a different kind, owning the *Rights* of the *Crown* in opposition to the *Pope's Encroachments*. Now, by the same reason, no *Canon* made at *Rome*, no *Legatine* or *Synodal Constitutions* could have any force against the *King's Authority*. But the *King* himself being under a force at that time, as he always declared afterwards; and that being, as *Knighton* saith, it was called, *Parlamentum sine Misericordia*, the King having tied himself up, not to pardon any without Consent of the Lords; he might be willing to let the *Bishops* excuse themselves, because that might give some colour

Rot. Parlam. 11 R. 2. *p.* 1. *n.* 26.

Knighton, *p.* 2701.

to call in queſtion the Proceedings then, as it did 21 *R.* II. when all the Acts of this *Parliament* were nulled; and the *Lords* and *Commons* might be very willing to let the *Biſhops* withdraw, that their buſineſs might proceed with leſs difficulty againſt all the *King's Miniſters*. So that here was a concurrence of many circumſtances, which made the *Biſhops* think fit not to appear in the *Houſe this Parliament*; and the *King, Lords and Commons* to be willing to receive their *Proteſtation*. But in the *Anti-Parliament* to this, that I mean 21 *R.* II. the *Commons* pray the *King, That ſince divers Judgments were undone heretofore, for that the Clergy were not preſent*, they might appoint *ſome common Proctor* with ſufficient Authority to that purpoſe. This is a *Paſſage* which deſerves Conſideration, and tends very much to clear the whole Matter.

For the *Houſe of Commons* declare, *That divers Judgments had been undone for want of the Preſence of the Clergy*. Therefore their Concurrence, in the Judgment of the *Houſe of Commons*, was thought neceſſary to make a *Judgment* valid. A very late *Author* finds himſelf ſo perplexed with this, that he knows not how to get off from it. He cannot deny this to be in the *Rolls* of *Parliament*, and to be the *firſt Petition* of *the Commons*; but then he blames them for Raſhneſs and Error, and *want of due Examination of Precedents*; as though it were poſſible for any Man now to underſtand the Law and Practice better than the whole *Houſe of Commons* then did. He ſaith, *They were miſtaken palpably* de facto *in ſaying that divers Judgments have been heretofore undone*; and yet preſently confeſſeth, *That the two Judgments againſt the two* Spencers *were reverſed for this Cauſe*; but he ſaith, *There are no more to be found*. Where doth he mean? In his *Study?* Or not now extant in the *Parliament-Rolls*? But have we all the *Rolls* of *Parliament* that were then in being? Or muſt Men ſo boldly charge the *Houſe of Commons* with *Ignorance, Error, breaking the Laws*, becauſe they ſpeak againſt their Fancies? But this *Gentleman* very peremptorily concludes *the Houſe of Commons then guilty of a very ſtrange and unaccountable Overſight*. It is great pity a certain *Gentleman* had not been there to have ſearched *Records* for them, and to have informed them better. But we think a *Judgment* of the *whole Houſe of Commons* in ſuch a Caſe, declared in ſo ſolemn a manner, without the leaſt contradiction from the *King* or the *Lords*, might deſerve a little more reſpect; and it had certainly had it, if it had made for the other ſide. But we ſee the *Houſe of Commons* it ſelf is reverenced or not, as the Judgment of it ſerves Mens purpoſes. And yet this was more than the bare *Judgment* of the *Houſe of Commons*: for a *Petition* was made upon it, and that *Petition* granted; and conſequently a *Common Proctor* appointed, and that *Proctor* allowed by *King, Lords and Commons*. So that this was a Judgment ratified by Conſent of the *King* and the *whole Parliament*. For if a *Petition* were made on a falſe ground, what had been more proper than for the *Lords* to have open'd this to the *Commons*, and to have told them how unadviſed and falſe their *Judgment* was? Whereas the *Lords* conſented, and the *Proctor* was admitted, and gave his *Vote* in the *Name* of the *Clergy*. But there is ſomething more to confirm this *Judgment* of the *Commons*, and that is, the *Parliament* 11 *R.* II. making *Petition* to the *King, That all Judgments then given might be approved, affirmed, and ſtabliſhed, as a thing duly made for the Weal and Profit of the King our Sovereign Lord, notwithſtanding that the Lords Spiritual and*

their

A Diſcourſe of the Peerage, and Juriſdiction of the Lords Spiritual, *p.* 26.

their Procurators were abſent at the time of the ſaid Judgments given. What means this *Petition*, if there had been no doubt at that time, that theſe Judgments might be reverſed, as not duly made, by reaſon of the abſence of the *Prelates?* The only anſwer in my mind is, that it was *Error Temporis*, they were of that mind then, but ſome are reſolved to be of another now.

But from hence we plainly ſee, that even in *R.* II's time the Concurrence of the *Biſhops* was thought ſo neceſſary, that one *Parliament* declared *Judgments had been reverſed for want of it*; and that very *Parliament* wherein they abſented themſelves, got a Clauſe inſerted on purpoſe to prevent *the nulling of thoſe Judgments*; which ſignified nothing to *the Parliament* 21 *R.* II. which reverſed them all.

There is ſomething more conſiderable to our purpoſe in *this Parliament*; *viz.* that the ſame *Author* produceth the Teſtimony of a *MS.* Chronicle, which largely handles the Affairs of *that Parliament*, wherein it is confeſſed, that *the Biſhops*, by *concurring with the Lords* in the Revocation of the *Earl* of *Arundel*'s Pardon, did give Vote in a Caſe Capital; for ſo the Words are there cited, *Dederunt ergo locum Prælati judicio Sanguinis in hoc facto.* Which ſhews that the *Biſhops* did then give their *Votes* about *the validity of the Pardon:* Which *the Author* of *that Chronicle* indeed condemns them for, and tells us ſome thought they incurred *Irregularity* by it. From whence it follows, that all *the Penalty* ſuppoſed to be incurred was only Canonical; but he never charges them with going againſt the Law or Cuſtom of *Parliament* therein. *Diſcourſe of the Peerage, &c. p.* 20.

But the *Author* of the *Letter* ſaith, *Whatever was done this Parliament ſignifies nothing, becauſe the whole Parliament ſtands repealed by* 1 *H.* IV. *and all done in it declared null and void.* Yet, to our comfort, the ſame *Author* tells us, *the three* Henrys *were Uſurpers*; and therefore I deſire to be ſatisfied, whether an *Uſurper*, by a *Parliament* of his calling, can null and repeal what was done by a *King and his Parliament.* If he may, then the *King* loſt his *Title* to the *Crown* by the late *Uſurpers*; if not, then the *Parliament* 21 *R.* II. could not be repealed by that 1 *H.* IV. If the *Author* of the *Letter* had conſidered this, he is a *Perſon* of too great Judgment and Loyalty, to have mention'd, more than once, the Repeal of that *Parliament*, by the ſubſequent *Parliament*, 1 *H.* IV. Lett. *p.* 30. *p.* 79. *p.* 80. *p.* 115.

From all this we ſee, that by the Judgment of the *whole Parliament*, both 11 *R.* II. and 21 *R.* II. the *Biſhops* had a Right to ſit, ſo far that *Judgments* were reverſed where they were not preſent; and therefore all the pretence they could have for withdrawing muſt be from the Canon-Law: which although not ſufficient to bind them, if the matter had been conteſted, yet it ſerved them for a very colourable pretence of abſenting themſelves in ſuch dangerous times, as thoſe of 11. *R.* II.

Here the *Author of the Peerage and Juriſdiction of the Lords Spiritual* thinks he brings ſeaſonable relief to the *Cauſe*, when he undertakes to prove, that the *Biſhops* withdrawing was not meerly on the account of the Canon-Law. This, I confeſs, is home to the buſineſs, if he can make it out. (1) He ſaith, *there was an Act of Parliament* before, *that did expreſly prohibit them to exerciſe Juriſdiction in thoſe Caſes.* This we utterly deny. And the Conſtitution of *Clarendon*, to which he referrs, proves the contrary. (2.) *The Biſhops made bold with the Canons* when they *p.* 19. *p.* 20.

they thought fit, as 21 *R.* II. But how could they do that, unleſs they had a *Parliamentary Right* to be preſent? He ſaith, *the conſtituting a Proxy was as great a violation of the Canons, as being perſonally preſent:* and what then? therefore the *Parliament* would not have ſuffer'd them to do that, if there had been a *Law* to exclude them. How doth this prove that the *Biſhops* did not withdraw on the account of the Canons 11 *R.* II. becauſe they made a *Proxie* 21 *R.* II? But why did they not appear perſonally, if they had no regard to the *Canons*; when the receiving their *Proxie* ſhewed they had a *legal Right* to appear? But he grievouſly miſtakes the meaning of the Canon of *Stephen Langton* in *Lynwood*, when he interprets *Literas pro pœna ſanguinis infligenda ſcribere vel dictare*, againſt making of *Proxies*; which is only meant of
p. 21. giving or *writing the Sentence for Execution.* (3.) He ſaith, they were excluded *by ancient Cuſtom*; which, by a very ſubtle way of reaſoning, he proves to have been *part of the Fundamental Contract of the Nation*, as he ſpeaks. *Seeing then*, ſaith he, *it is without doubt that there was ſuch a Cuſtom, that the Prelates ſhould not exerciſe Juriſdiction in Capital Caſes*; (not ſo altogether *without doubt*, unleſs it were better proved than we have yet ſeen it;) *and there is no Record that doth mention when it did begin, nor any time when it could be ſaid there never was ſuch an Uſage*; (yes, before the Council of *Toledo* being publiſhed in *Spain*, and receiv'd here; (*it muſt of neceſſity be ſuppoſed, that it is as ancient as the Government it ſelf, and part of the Fundamental Contract of the Nation.* Which looks ſo like a *Jeſuitical* Argument, that one would have thought he had been proving *Tranſubſtantiation* by it. For juſt thus the Argument runs at this day among the *Party*; There was a time when it was receiv'd, and no time can be inſtanced in wherein it was not, therefore it was a part of the Fundamental Religion of *Jeſus Chriſt.* The plain Anſwer in both Caſes is the ſame: If we can produce unqueſtionable Authority to which a Doctrine or Practice is repugnant; we are not obliged to aſſign any punctual time in which it muſt firſt come in. But in this caſe, we do aſſign the very time and occaſion of the *Biſhops* abſenting themſelves in *Capital Judgments*, and that was from the receiving the Canon of the Council of *Toledo* here: For no ſuch practice can ever be proved before. And therefore this can never be proved to be any *part* of the *ancient Common Law of England.* And that this came in by way of imitation of other *Countries*, appears by the citing the *Council* of *Toledo* both by *Lanfranc* and *Richard* in the
p. 23. *Council* of *Wincheſter.* (4.) He ſaith the Practice is *ancienter than any of the Canons of the Church.* But how doth that appear? The eldeſt Canon he can find is that of *Stephen Langton*, in *Lynwood*, which was made above 50 Years after the *Parliament* at *Clarendon.* But we have made it evident, there was a Canon receiv'd here in *Lanfranc*'s time, long before the Conſtitution of *Clarendon.* And ſo a full Anſwer is given to theſe Objections.

But we are told, by the *Author* of the *Letter*, that the *Biſhops Proteſtation* being *receiv'd* and *enter'd* in the *Roll* or *Journal-Book*, makes it to paſs for *a Law*, it being agreed to by the *King* and two *Houſes*; ſo as whatever was the *Law* before, if it were only the *Canon-Law*, it is now come to be the *Law* and *Rule* of *Parliament*, and the *Law of the Land.*

2. This is therefore the ſecond *Point* to be examined, Whether the receiving this *Proteſtation* amounts to a *Law* of *Excluſion*? which it

it can by no means do for theſe *two* Reaſons: 1. From the nature of *Proteſtations* in general; 2. From the particular nature of *this Proteſtation.*

2. From the nature of *Proteſtations* in general. For a *Proteſtation* is only a Declaration of their Minds that make it, and not of theirs who receive it, or ſuffer it to be enter'd in the *Acts* or *Records* of the *Court*; unleſs it be receiv'd in ſuch a manner, as implies their conſent. For the very next *Parliament* after this, 13 *R.* II. the two *Archbiſhops*, in the name of *the whole Clergy*, enter a *Proteſtation*, *That they gave no aſſent to any Law or Statute made in reſtraint of the Pope's Authority*; and it is ſaid in the *Rolls* of *Parliament*, *that at their requeſts theſe Proteſtations were enrolled.* Will any Man hence inferr, that theſe *Proteſtations* were made *Acts of Parliament?* If the *Cauſe* would have born any better, a Perſon of ſo much Skill in *Proceedings* of *Parliament* would never have uſed ſuch an Argument as this. Beſides, it is a Rule in *Proteſtations*, *Si Proteſtatio in Judicio fiat, ſemper per contrarium actum tollitur*, ſaith *Hoſtienſis*; *A Proteſtation, although allowed in Court, is taken off by a ſubſequent Act contrary to it.* Which ſhews, that a *Proteſtation* can never have the force of a *Law*; becauſe it may be deſtroy'd by the *Act* of the *Parties* themſelves. If therefore the *Biſhops* did afterwards act contrary to this *Proteſtation*, they took away all the force of it. Sum. *l.* 1. de Conſtit. *n.* 18. *p.* 24.

2. The particular nature of this *Proteſtation* is ſuch, as doth moſt evidently preſerve their *Right* to be perſonally preſent on the account of their *Peerage* and *Baronies*; and the great deſign of a *Proteſtation* is, *to preſerve a Right, notwithſtanding ſome Act which ſeems to deſtroy it*; as their *abſenting themſelves* on the account of the *Canons* might ſeem to do: But of this already.

3. We are now to conſider the third *Point*, Whether, on ſuppoſition that on the account of the *Canon-Law*, the *Biſhops* had always withdrawn in the time of *Popery*, that had continued in force ſtill ſince the *Reformation?* I think not, upon theſe Reaſons,

1. Becauſe the *Canon-Law* was founded upon a Superſtitious Fancy, *viz.* that if *Clergy-men* be preſent in *Cauſes of Blood*, they contract Irregularity *ex defectu perfectæ Lenitatis*, as the excellent Canoniſt, *Navarr* ſaith, becauſe it argues *a want of perfect Lenity.* But if we conſider the Caſes they allow, which do *not incur Irregularity*, and thoſe they do not allow, which do incurr it, we ſhall find all this ſtir in the *Canon-Law* about this matter, to be only a Superſtitious kind of Hypocriſy. Manual. *c.* 27.

1. If a Man in *Orders* gives another Man Weapons, without which he could not defend himſelf, and by thoſe Weapons he maims him that aſſaulted him; this doth not make him *irregular*; but if he kills him, it doth: and yet the Canons make the caſe of Diſmembring and Death the ſame.

2. It makes a Man act againſt the *Law of Nature* to prevent *Irregularity.* For they ſay, if it be for the defence of Father or Mother, or prevent the ruin of his Country, although the Cauſe be never ſo juſt, a *Clergy-man* that diſmembers, or takes away another's Life, is *irregular.*

3. If a *Clergy-man* diſcovers Treaſon, or accuſes another for Treaſon, without a Proteſtation, that he doth not do it with a deſign to have him puniſhed; he is *irregular*; but if he makes that *Proteſtation*, although death follows, he is not.

4. If

4. If a *Clergy-man* be in an Army, and perswades the Soldiers to fight manfully, and kill as many as they can; this doth not make him *irregular*; nay, although he beats them, if they will not fight: But if he happens to kill an Enemy himself, then he is.

5. If he gives a Soldier a Sword or a Gun, by which he dispatches his Enemies, if he did it with a particular intention that he should slay or maim them, he is *irregular*; if only with a general Intention, that he should overcome, he is not. This being somewhat a nice Case, the Canonists take more than usual pains to prove it. And from hence they defend their *Priests* and *Jesuits* in the *Indies*, who carry the *Cross* before their Armies into the Field, and encourage them to kill all they can; and yet *Navarr* saith, they are so far from being *irregular*, that they are *regularissimi*, as his Word is.

6. If a Man, to gain an Indulgence, carries a Faggot to burn an Heretick, if it be with a design to take away his life, he is *irregular*; but if he be hanged first, or dead before it be thrown into the fire, then he is not.

7. If a Man in *Orders* helps a Chirurgeon in cutting off a Man's Leg, he is not *irregular*: but if a Man be justly condemned to have his Leg cut off, if he then gives any assistance, he is *irregular*: because the one is moved out of Mercy, and the other out of Justice.

8. If the *Bishops* sit and condemn a Man for Heresy, and deliver him over to the *Secular Power* for Execution; yet they free this from *Irregularity*, or else the practice of the *Inquisition* were lost. This seems a very difficult Case; but the Canonists salve this, by saying, that the *Inquisitors*, when they deliver them over to the *Secular Power*, do pray *that they may not be hurt either Wind or Limb*; as it appears by the *Forms* used in the *Directorium Inquisitorum*. And if this be not the height of Hypocrisie, let the World Judge. And therefore this part of the *Canon Law* is not consistent with the Sincerity of the *Reformation*.

Covarruv. ad Clem. si furios. p. 2. §. 5. n. 6.

2. This part of *Canon Law* is inconsistent with the *King's Power* over *Ecclesiastical Persons*. For it supposeth them liable to the *Penalty* of a *Law*, which he hath no cognisance of, and derives no force or authority from him; which tends to the diminution of the *King's Prerogative Royal*, and therefore it is nulled by *the Stat.* 25 *H.* VIII. *c.* 19. I do very much question whether this ever were any part of the *Canon-Law* of *England*, notwithstanding the *Pope's Decretals*; *i. e.* Whether these Canons ever received Confirmation by *the Royal Authority*, either in *Synodal Constitutions*, or elsewhere. And it would be a very hard case, if *our Kings* had not the same Privileges which are allow'd in *Popish Countries*, *viz.* that nothing passes for *Canon Law* within their *Territories*, till it pass the examination of the *King's Council*, and approbation by his *Authority*. Thence in *France* nothing passes without the *King's Pareatis*; nor in *Spain* or *Flanders*, without the *King* of *Spain's Placet*; no nor in the Kingdom of *Naples*, without *the Royal Exequatur*. It is well known, that the 6. *Book* of *Decretals* was not allowed in *France*, because of the quarrel betwen the *King* and *Boniface* VIII. and that even the Council of *Trent* it self was not allowed by *Philip* II. till it had been strictly examined by the *King's Council*, that nothing might be allowed which tended to the diminution of his *Prerogative*. How then will Men justifie the making that part of the *Canon-Law* of *England*, which was repugnant to the *Rights* of the *Crown*, and deprives

prives the *King* of the *Power* of taking Advice of thoſe of his Subjects whom he hath ſummon'd for that end ?

3. The *Sanction* of this *Law* is ceaſed, which was *Irregularity?* And ſome of our moſt Learned *Judges* have declared, that is taken away by the *Reformation.* But in caſe any be of another Opinion, I ſhall urge them with this Inconveniency, *viz.* That the great *Inſtrument* of diſcovering the *Plot* falls under *Irregularity* by it. For it is moſt certain, by the *Canon-Law*, that a Man in *Orders* accuſing others of *Treaſon*, without making his due *Proteſtation* in *Court*, is *irregular.* But if this be now thought unreaſonable, as it is in the Perſon of an *Accuſer*, why ſhould it not be ſo in the caſe of *Judges ?* And if the *Irregularity* be taken away, then the *Sanction* is gone; and if the *Sanction* be taken off in a meer *poſitive Law*, the *force* of the *Law* is gone too. And therefore this *Canon-Law*, which forbids *Clergy-men being preſent in Capital Caſes, and giving Votes therein*, is wholly taken away by the *Reformation.* And we do not find any mention of it for 80 years and more after the *Reformation*, till about the Time of the *Earl* of *Strafford*'s Trial, a *Book* being printed about the *Privilege* of *Peers*, wherein this *Proteſtation* was mention'd, hold was preſently taken of it, by Men who thought they could not compaſs their ends without removing the *Biſhops* out of the *Houſe*: And when the *Biſhops* inſiſted on their *Right*, and could not be heard, but at laſt were willing to *ſalve* their *Right* by *Proxies*, the *Lords* of the *Cabal* prevailed with their Friends, to declare they would uſe no *Proxies* themſelves, and ſo by that artifice ſhut the *Biſhops* out of Doors.

4. The Practice hath been ſo contrary ſince the Reformation, that I find no manner of regard hath been ſhewed to it. For the *Archbiſhop* of *Canterbury* was the firſt nominated in the *Commiſſion* for the Trial of the Queen of *Scots*, as appears by the *Commiſſion* it ſelf in *Cambden*; which is directly contrary to the *Canon-Law.* Some diſtinguiſh the *Biſhops* acting by *Commiſſion*, from their being *Judges in Parliament.* For which there is no manner of Reaſon with reſpect to the *Canon-Law*, which is rather more expreſs againſt any kind of *Commiſſions* in Caſes of Blood; as appears by the *Council* of *Toledo*, the *Synodal Conſtitution*, and the *Pope's Decretals.* And there hath never been any ſcruple about *Divines* ſitting on the *Crown ſide* as *Juſtices of the Peace*, when *Sentence of death is pronounced*; nor in the *Ordinary*'s declaring *Legit* or *Non Legit*, when a Man's Life depends upon it. But which is yet more to our preſent purpoſe, in the *Parliament* 22 *May*, 1626. upon the Impeachment of the *Earl* of *Briſtol* of *High Treaſon*, 10 *Biſhops*, 10 *Earls*, 10 *Barons*, were appointed to examine the Evidence; and upon their Report he was ſent to the *Tower* by the *whole Houſe.* All which ſhews, that there hath been no regard had to the force of the *Canon-Law* in this matter ſince the *Reformation*; that being a Spirit lay'd long ſince by the Principles of our Church: and it would be ſtrange, if ſome Mens Zeal againſt *Popery* ſhould raiſe it again.

Cambden. Annal. A. D. 1586.

Vid. Lyndwood in Conſtit. Othob. c. Ne Clerici. v. in eiſdem.

CHAP. III.

The Precedents *on both sides laid down: those against the Bishops examined and answered.*

II. I Now come to examine the *Precedents*, and shall proceed therein according to due Order of Time.

Lett. p. 57. And so the *first* is taken from the *Saxon* times, *viz.* from *Brompton*'s Relation about *Edward* the Confessor's appealing to the *Earls* and *Barons* about *Earl Godwin*'s murthering of his Brother *Alfred*. *Here we*

P. 59. *see*, saith the *Author* of the *Letter*, *it was only* ad Comites & Barones, *that he appealed, and they were only to judge of it, and not Bishops or Prelates.*

I have 2 things to answer to this *Precedent*; 1. That we have great reason to suspect the Truth of it. 2. That if it were true, we have no reason to suspect the Bishops to be excluded.

1. For the Truth of the Story. That there is great reason to suspect it, appears, in that it is the single relation of *Brompton* against the consent of the other *Historians*, (and some of them much ancienter, and nearer to that time) who mention *K. Edward*'s charging *Earl Godwin* with the Death of his Brother, not in *Parliament*, but as they were at Table together at *Winchester*, upon the occasion of a Saying of *Earl Godwin*'s, upon the King's Cup-bearer stumbling with one Foot, and recovering with another; *See*, saith he, *how one Brother helps another*. Upon which *Matth. Westminster*, *Knighton*, and others say, that the King charged him about the Death of his Brother *Alfred*. Whatever the occasion was, our best *Historians* of that time, *Malmesbury* and *Ingulphus* say, it was at an Entertainment at *Winchester*, and that *Earl Godwin* died upon the Place, being choaked, as they say, with a Morsel of Bread he took with a great Execration upon himself if he were not innocent. *Knighton* saith, he was questioned for the Death of his Brother by *Hardeknute*, and that he cleared himself, by saying, he did nothing but by the King's Command. But suppose *Edward* to be never so weak a Prince, is it likely this should be done by an Appeal in Parliament by the King himself; and that afterwards, by the Judgment of his Earls and Barons, he and his Sons and 12 Kinsmen should make the King amends, by as much Gold and Silver as they could carry between their Arms? Besides, *Brompton* saith, this was done by *Godwin* when he returned to *England*, after King *Edward*'s coming to the Throne; whereas *Malmesbury* shews, that it was through *Earl Godwin*'s Interest that ever he came to it, and so the marrying his Daughter would make any one believe.

2. But suppose it true. What reason is there to conclude the Bishops not present, who were never absent through all the *Saxon* Times, after *Ethelbert*'s Conversion, in any publick *Councils* of the Nation? They had no *Canon* then to be afraid of; for that of the Council of *Toledo* was brought in by *Lanfranc*. And it was not against the Practice of those Times. For if we believe as true a *Story* as this of *Brompton*, the *Archbishop* of *Canterbury* himself condemned King *Edward*'s Mother *Emma* to a Trial by hot Irons, which was present Death without a Mi-

Miracle: and this, it is ſaid, was done by the conſent *of the King and the Biſhops*; which is as good a *Precedent* againſt *Temporal Lords*, as the other is againſt the *Biſhops*. However, this is certain, that the Biſhops then ſate in the *County Court* at all *Judgments*. And whereas the *Author* of the *Letter* would avoid this, by ſaying that no *Capital Crimes* were tried there; the contrary is moſt certainly true. For the *Laws* of King *Edward*, as they were ſet forth by *H.* I. *c.* 31. mention the *Capitalia Placita* that were there held. And the Author of the MS. Life of S. *Cuthbert* ſaith, that when one of *Earl Godwin*'s Sons was *Earl* of *Northumberland*, and one *Hamel*, a very bad Man, was impriſon'd by him, his Friends interceeded earneſtly with him, *Nè capite plecteretur, that he ſhould not loſe his Head*, by which it appears, That *Caſes Capital* were heard and determin'd in thoſe *Courts*, the *Biſhop* and *Earl* ſitting together in *Judgment*. And here the Point is plainly gain'd, becauſe the *Author* of the *Letter* grants that the *Biſhops* ſate in all *Judgments* in the *County Courts*, and then puts the matter upon this Iſſue, whether *Capital* Crimes were there tried or not; which I have clearly proved that they were. But I ſhall make another Advantage of this againſt the *Author* of *the Peerage, &c.* for it plainly overthrows that confident Aſſertion of his, That *without doubt* there was a Negative *Cuſtom, That the Prelates ſhould not exerciſe Juriſdiction in Capital Caſes*, ſo *ancient* as to be *part of the Fundamental Contract of the Nation*. It were a thouſand pities, that ſuch well-ſounding Words, ſo handſomely put together, ſhould ſignify nothing. I dare not be ſo poſitive as he is, but am of Opinion, that if he could be perſwaded to produce this *Fundamental Contract of the Nation*, which I perceive he hath lying by him, it would not amount to ſo much as a *blind Manuſcript*. If it be ſaid, that *Brompton* only mentions *Earls* and *Barons*, and *Biſhops* were not then made *Barons*: I anſwer, That *Baronies* were brought into *England* by the *Conqueror*, and therefore *Brompton* muſt ſpeak improperly, and conſequently, taking it only for a Title of Honour, he means no more than thoſe who were the great Men of that time, and ſo may take in the Biſhops too, of which more afterwards. But there is one thing more in the *Laws* of *H.* I. (which were only a reſtoring K. *Edward's Laws*) that implies that *Biſhops* had then a Power of Judging in *Caſes Capital*; which is, *c.* 58. *Qui occiderit Epiſcopum ſit in arbitrio Principis & Epiſcoporum, He that killed a Biſhop was to be left to the Will of the King and the Biſhops*. Which ſhews that they were to hear and examine the whole Evidence, and to give Judgment according to it.

P. 110.

P. 21.

After the *Saxon* times, the *firſt Precedent* produced is of the 33 *Edw.* I. concerning *Nicholas Segrave*, who was ſummon'd to appear in *Parliament*, and after his Offences were open'd, the King adviſes *only with the Temporal Lords*, who declared, ſuch a Man deſerved to loſe his Life. But is he ſure the *Biſhops* were not preſent? No: he ſaith, *that doth not appear by the Record; but it appears clearly they were not to meddle with it*. How ſo? *The King declares, that he would have the Advice Comitum, Baronum, Magnatum, & aliorum de Conſilio ſuo*. But is he ſure they are not comprehended under *Magnates*, and that there were no *Clergy-men* at that time of the King's Council? What thinks he of *William de Hamilton*, *Dean* of *York*, who was made *Lord-Chancellor*, *Jan.* 16. 33 *Edw.* I. and this *Parliament* was held the next Sunday after St. *Matthias*, which was the latter end of *February*? And in the 35*th* Year, *Ralph de Baldock*, *Biſhop* of *London*, was made *Lord-*

P. 55.

Chancellor; and ſcarce any other but *Church-men* had that *Office* all his Days. The *Biſhop* of *Bath* and *Wells* was *Chancellor* near twenty Years of his Reign; after him the *Biſhop* of *Ely*, after him the *Dean* of *Chicheſter*, and then comes the *Dean* of *York*. And among the *Lords-Treaſurers* of his Time were the *Arch-deacon* of *Dorſet*, the *Abbot* of *Weſtminſter*, two *Biſhops* of *Bath* and *Wells*, whereof one was *Treaſurer* at this time. Theſe *two*, I hope, we may ſuppoſe to be of the *King's Council* in this buſineſs, who we are certain were both *Church-men*. And if they adjudged *Nic. de Segrave* worthy of Death, who ſo likely to deliver that Judgment as the *Chancellor*? But ſuppoſe theſe were not there, whom doth he mean by the *Magnates* then diſtinct from *Earls* and *Barons*, who were of the *Houſe of Peers*? Mr. *Selden* will inform him, if he need it, that there were no *Dukes* till the 11 of *Edw.* III. nor the Title of *Marqueſs* till *R.* II. nor of *Vicount* till *H.* VI. And yet here were *Magnates* in Parliament, who were neither Earls nor Barons; and therefore we muſt in all reaſon underſtand the great *Church-men*, who were not ſo nice of meddling with *Criminal Cauſes* in Parliament of the higheſt nature in the time of *Edw.* I. as appears by the great *Cauſe* ſo much agitated in Parliament 20 *Edw.* I. concerning the *Earls* of *Hereford* and *Glouceſter*; where this latter is charged with raiſing Arms without Commiſſion, and committing Murthers and horrible Devaſtation in the Lands belonging to the other; and the King in Parliament appoints the *Biſhop* of *Ely* with others to be a *Committee* for examination of this matter. And when they had both ſubmitted to the King's Pleaſure, we have theſe remarkable Words in the *Placita Parlamentaria*, *Per Conſilium Archiepiſcoporum, Epiſcoporum, Comitum, Baronum, Cæterorumque de Conſilio ſuo exiſtentium, facere volens in præmiſſis & ut voluntas ſua juſta ſit & rationabilis, prout decet, eorumque aſſenſum in præmiſſis petiit, & Conſilium. Propter quod, habito tractatu diligenti coram ipſo Domino Rege & Conſilio ſuo ſuper prædictis, tam ipſi Domino Regi quam cæteris Prælatis & Magnatibus, & ſingulis de Conſilio ſuo, videtur quoad Comit. Gloceſtr.* and that follows the *Sentence*; which I confeſs did not extend to Life, but to a Forfeiture of his Eſtate to the King. However, we ſee hereby that the *Biſhops* were preſent at all the *preliminary Debates*, and the King asked their *Advice*: ſo that they had their *Votes* in the *Sentence*, whether it ſhould extend to Life or not.

In the Reign of *Edw.* II. we meet with a remarkable *Precedent* in behalf of the *Biſhops Right*, which is of a *Judgment* reverſed, made by the *Lords without the Prelates*, viz. the *Judgment* againſt the two *Spencers*, 15 *E.* II. which *Judgment* is ſaid to be paſſed at *Oxford* that year, but in the *Parliament* at *York* the ſame year it was nulled and made void before the King, Lords and Commons; and one of the Reaſons given for it is, *becauſe the Lords Spiritual, who were Peers, aſſented not to it.* This *Precedent* had been cited and allowed by Mr. *Pryn*, in his *Plea for the Lords*, and therefore it is to be wonder'd the *Author* of the *Letter* takes no notice of it. But the later *Author of the Diſcourſe about the Biſhops Peerage and Juriſdiction*, owns the truth of the thing, ſaying, *That the two Judgments againſt the two* Spencers *were reverſed*, 15 Edw. *II. for this Cauſe, through the great Favour and Intereſt they then had at Court.* But then he thinks he hath taken off the force of this *Precedent*, by ſaying *that* 1 Edw. *III.* c. 1. *this Judgment is declared good, and therefore the ſaid Reverſal null and void*; *and the two* Spencers *upon this affir-*

Clauſ. 15 Ed. 2. *n.* 23, 24. & *dorſ.* 13, 32

Plea for the Lords, *p.* 193.

Diſcourſe of the Biſhops Peerage, *p.* 20.

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mance of the Judgment were executed. This laſt Aſſertion every one knows to be a grievous miſtake, that hath but looked into our *Hiſtory*: for the *Spencers* were executed before *Edw. III.* came to the Crown; the elder in *October*, 19 *Edw. II.* the other the latter end of *November* 20 *Ed. II.* And whereas he inſiſts upon the *Affirmance of the Judgment* 1 *Edw. III.* he had done well to have look'd a little farther, and then he would have found that Act alſo repealed 21 *R. II.* So that if the Act of 1 *Ed. III.* which affirms the firſt Judgment may ſeem to take off the force of this Precedent, the repealing of that *Act* in the 21 *R. II.* reſtores it again, and leaves it in its full force. Eſpecially if it be conſidered, that the *Act* of 1 *Ed. III.* was not barely repealed, but declared in Parliament to be unlawful, becauſe *Ed. II. was living, and true King and impriſon'd by his Subjects at the time of that very* Parliament *of* 1 *Ed. III.* Rot. 64. 21 *R.* 2.

Thus far this *Precedent* is good. But I will conceal nothing that may with any colour be objected againſt it. And I cannot deny but what the *Author of the Letter* objects againſt the Biſhops conſtituting a *Proctor* to repreſent them in Capital Cauſes, ſeems to be of equal force againſt this *Precedent*, *viz. That this Parliament of the* 21 *R. II. and all that was done in it, was repeal'd in the* 1 *H. IV.* And if that be ſo, (and thoſe Acts of State which then paſſed had not again been repealed 1 *Ed. IV.*) then the Repealing of that of 1 *Ed. III.* ſignifies nothing, and conſequently the *Affirmance* of the *firſt Judgment* againſt the two *Spencers* is good notwithſtanding that Repeal. And therefore that we may examine this matter to the bottom, I ſhall ſet down the very Words of the *Author* of the *Letter* concerning it. Speaking of the *Declaration* made by the Lawyers in the 10 *Ed. IV.* concerning the Biſhops making a *Procurator* in Capital Cauſes, he hath theſe Words: *It is true, here is mention made of their making a Proctor, which was* Error temporis, *the Error of thoſe Times, grounded upon what was ſo lately done, (as they looked upon it) though irregularly done, in the laſt Parliament of* R. II. *whom they conſider'd as their lawful King; and in truth he was ſo, the three* Henry's *that came between being but Uſurpers.* And again, ſpeaking of the ſame buſineſs of a *Proctor* in the 21 *R.* II. he hath this remarkable paſſage: *I have already ſhewed, that this whole Parliament was repeal'd for the extravagant things that were done in it, of which this was one. And therefore nothing that was then done can ſignifie any thing to a leading caſe anyways to be followed*; and this as little as any: except it could be made appear, which I am confident it cannot, that ſome Judgment had been reverſed upon that account, becauſe the Prelates were not preſent, and had not given their aſſent to it. p. 79. p. 115.

Now if I can make out theſe two things, 1. That the Parliament of *R. II.* was not legally repeal'd; 2. That the *Judgment* againſt the two *Spencers* was revers'd, and that the repeal of that Reverſal in 1 *Ed. III.* was revok'd in 21 *R. II.* upon this very account, *becauſe the Prelates were not preſent, and had not given their aſſent to it*; I hope the *Author* of the *Letter* will be ſatisfy'd, that both this *Precedent*, and the Caſe of a *Proctor*, are very ſignificant in this Cauſe; and that there is a great difference between being *confident* and *certain* of any thing.

1. That the Parliament of 21 *R. II.* was not legally repeal'd. And for this I take the *Authors* own acknowledgment that *R. II. was in truth lawful King*, and that *H. IV.* was but an *Uſurper*: Nay, I add farther,

ther, that *R. II.* was alive and in Priſon when *H. IV.* repeal'd the Parliament of 21 *R. II.* For ſo it is ſaid in the very *Act* of *Repeal*, that *R. II. late King of* England *was purſued, taken, put in ward, and* yet remaineth in ward. And now I leave it to the *Author* of the *Letter*, whether a Parliament call'd by a Lawful King, and the Acts of it, ought to be deem'd legally repeal'd by a Parliament that was call'd by an Uſurper, and held whilſt the lawful King was alive and detain'd in Priſon.

2. That the *Judgment* againſt the two *Spencers* was reverſed and the Repeal of the Reverſal of it in 1 *Ed. III.* revok'd in 21 *R. II.* and that upon this very account, *becauſe the Prelates were not preſent, and had not given their aſſent to it*; which the *Author* of the *Letter* is *confident cannot be made appear.* That this *Judgment* was reverſed for this Reaſon I have already ſhewn, *viz.* in the Parliament at *York*, 15 *Ed. II.* And I ſhall now ſhew, that the Repeal of that Reverſal in 1 *Ed. III.* was revok'd in 21 *R. II.* and that upon the account mentioned. For in this Parliament, *Tho. de Spencer*, Earl of *Gloceſter*, exhibited *two Bills*, in which he prayeth, that the Revocation of the Exile of the two *Spencers* in 15 *Ed. II.* might be brought before the King and confirmed, and that the *Repeal* of the ſame made in the 1 *Ed. III.* might be revoked. Of which *Act* of *Repeal* theſe *Errors* are aſſigned, among others: *becauſe the Prelates*, who are Peers of the Realm, *did not aſſent to the Judgment*; and *becauſe it was made only by the Earls and Barons, Peers of the Realm*, &c. and *becauſe it was made againſt the form of the Great Charter of* England, *in which it is contain'd, that no Man ſhall be exil'd, or otherwiſe deſtroyed, but by the lawful Judgment of his Peers, or by the Law of the Land.* So that it ſeems it was look'd upon as a breach of the *Great Charter*, for the Temporal Lords to condemn a Peer without the Aſſent of the Biſhops, and that ſuch a *Judgment* was not eſteem'd *a lawful Judgment by his Peers.* And thoſe *Errors* of the *firſt Judgment* aſſign'd in the *Revocation* of it in 15 *Ed. II.* are allowed in this Parliament of 21 *R. II.* and that *Revocation* confirm'd and the *Repeal* of it in 1 *Ed. III.* revok'd upon the ſame account. I ſhall only obſerve, that in this Parliament (as before in 15 *Ed. II.*) the *Biſhops are* declared to be *Peers*; Peers of the Realm, *Rot.* 55. Peers in Parliament, *Rot.* 56. & 61; but moſt fully and diſtinctly in the *Roll* laſt cited, *Peers of the Realm in Parliament.* Of which farther uſe may be made in the *laſt Chapter* concerning the *Peerage of the Biſhops.*

p. 15.

Rot. 55. 56. 21 R. 2.

R. 2. 21.

And now to ſum up the force of this *Precedent* for the *Juriſdiction* of the *Biſhops* in *Caſes of Treaſon.* Here is a *Reverſal* of a *Judgment*, becauſe *made without the Aſſent of the Prelates*, by the Parliament at *York* in 15 *Ed. II.* And whereas it is ſaid, this *Reverſal* was *Repealed*, and the *firſt Judgment affirm'd* in 1 *Ed. III.* I have ſhew'd, that this was no *legal Repeal* becauſe *Ed. II. was alive* and *lawful King*, or elſe *Ed. III.* could never have been ſo) in the time of that firſt Parliament of *Edw. III.* and conſequently *Ed. III.* at that time was an Uſurper, and the Proceedings of that Parliament null and void. So that the *Reverſal* in 15 *Ed. II.* ſtands good notwithſtanding the *Repeal* in 1 *Ed. III.* Beſides that this *Repeal* (whatever it was) is ſolemnly *revoked* in 21 *R. II.* And *H. IV.* who *revers'd* all the Proceedings of the Parliament of 21 *R. II.* during the Life of *R. II.* is acknowledg'd by the *Author* of the *Letter* to have been an *Uſurper* and *R. II.* to have been a *lawful King.* And now I think that this *Precedent* hath all the advantage that can be, and that the *Juriſdi-*

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ction of the Biſhops in *Caſes of Treaſon* could not have been aſſerted in a higher manner, than to have a *Judgment* in *Caſe* of *Treaſon* ſolemnly revers'd in two Parliaments for this very cauſe, *becauſe the Biſhops, who are* Peers, *aſſented not to it.* And this Precedent own'd by the *Houſe of Commons*, in their Petition to have a *Common Proctor* appointed by the Clergy, in this very Parliament of 21 *R. II.* as is acknowledg'd by the *Author* of the *Letter.* p. 115.

To conclude this matter; whether the Acts of Parliament which contain this Declaration of the Peerage of Biſhops, and their *Juriſdiction in Caſes of Treaſon*, were ſufficiently repeal'd or not; this ſolemn Aſſertion of it in two ſeveral Parliaments, together with the *Petition* of the *Commons* mentioned before, are a moſt clear evidence, that in the general Opinion of the *King*, *Lords*, and *Commons*, this *Juriſdiction* did of right belong to the Biſhops. And I am ſure they are a Demonſtration againſt the *Author of the* Peerage his Aſſertion, of a Negative *Cuſtom, ancient as the Conſtitution of the Nation, that Prelates ſhould not exerciſe Juriſdiction in Capital Caſes.* For had this been a clear and undoubted Cuſtom from the firſt Original of this Nation, it is morally impoſſible it could have entred into the minds of two Parliaments, ſolemnly to have raiſed this doubt, whether a Judgment given in a caſe of Treaſon by the Temporal Lords without the Aſſent of the Biſhops were valid, and to have determined that it was not; when yet there was no manner of reaſon to imagine that the Biſhops ever had any Juriſdiction in ſuch Caſes, nay, when there was an immemorial Cuſtom and Uſage to the contrary, namely, that the Temporal Lords had in all times exerciſed this Juriſdiction alone, and the Biſhops had been excluded from any ſhare in it.

And in the *Apology* of *Adam D'Orleton*, *Biſhop* of *Hereford*, and after of *Wincheſter*, for his impriſoning *R. de Baldock*, a great Confident of *Hugh de Spencer's*, he declares, that the reaſon why he was carried to *Newgate* was through the violence of the People; although ſaith he, the Parliament then *ſitting*, there was no cauſe of fear but Juſtice would be done. His Words are, *Domino Rege, Prælatis, Comitibus, ac aliis terræ Optimatibus Lundoniæ tunc congregatis & præſentibus, pro Juſtitia ibidem in Parlamento convocatis omnibus exhibenda.* Which ſhews that the Prelates then did ſit in *Matters* of Juſtice in the Houſe of Lords, and in *Caſes Capital*; for this *R. de Baldock* was arraigned at *Hereford* for the ſame Crimes that *Hugh de Spencer* was.

But the main ſtrength of the Cauſe is ſuppoſed to lie in the Precedents produced out of the *Rolls of Parliament* from the 4 *Ed. III.* to the 38 *H. VI.* The force of theſe Precedents will be better underſtood, if we conſider theſe things.

I. That many of them are meer Negative Teſtimonies. So 4 *Ed. III.* at the Trial of *Roger Mortimer*, it is ſaid, the *Earls, Barons and Peers of the Realm were preſent, therefore the Biſhops were not* 5 *Ed. III. only the Great ones returned, therefore the Biſhops did not.* So in the Caſe of Sir *John Grey.* From whence he infers, *that the Biſhops were not to Judge ſo much as of a Battery.* 25 *Ed. III.* in Sir *William Thorp's* Caſe, *the Grantz de Parliament were asked their advice, therefore not the Biſhops.* 1 *R. II.* in the Caſe of *Weſton* and *Gomenitz*, *the Biſhops not mention'd; but other Lords, Barons and Bannerets,* Sir *Ralph de Ferrers* Caſe 4 *R. II. the Biſhops not preſent, becauſe not compriſed under les Seigneurs de Parliament.* The like in Sir *John Oldcaſtle's* Caſe, 5 *H. V.* The *Queſtion*, he Lett. p. 6. p. 9. p. 10. p. 13. p. 16. p. 37.

he ſaith is, *whether Biſhops be comprehended under les Seigneurs de ceſt preſent Parliament.* In the *Earl* of *Devonſhire*'s Caſe 31 *H. VI.* the ſtrength lies in this, *that the Peers are only mention'd; and he ſuppoſes no Man will ſay, the Biſhops were his Peers or Lords of the Realm.* So that here are eight Precedents that are no more than *Negative Teſtimonies*; concerning which in general, *the Author* of *the Juriſdiction of the* Houſe of Peers *aſſerted*, hath a good Obſervation; viz. *That one, or two, or twenty* Precedents *in the Negative, nay, I ſay more, were the number equally as many in the Negative as in the Affirmative, yet it could not diſprove their Juriſdiction: It would only ſhew, their Lordſhips were free Agents, to do it, or not to do it, as they ſaw Cauſe; but their Juriſdiction remained entire ſtill, to do it whenſoever they would.* So I ſay here; ſuppoſing *that the Spiritual Lords* were not preſent in theſe Caſes, it only ſhews that they were *free Agents*, and might withdraw at ſome times, and be perſent at others; which cannot overthrow *their Right*, for theſe Reaſons.

p. 151. Juriſdiction of the Houſe of Peers aſſerted, p. 91.

(1.) Several of his *Negative Precedents* if they prove any thing, prove *the Biſhops* were not there, when he confeſſes they might have been there. As,

Lett. p. 11. 1. In *Caſes* of *Miſdemeanours.* At the Trial of Sir *John de Lee*, 42 *Ed. III.* being charged with ſeveral Miſdemeanours, *the Record* ſaith, p. 12. *the Prelates were preſent*, 50 *Ed. III.* Several Perſons were accuſed by *the Commons* for *Miſdemeanours*, and the *Biſhops* he confeſſeth were preſent; as *Rich. Lions*, *John Lord Latimer*, *William Ellis*, *John Peecher*, *Lord John Nevil*; at all theſe *Trials the Biſhops*, ſaith he, *were preſent*; *and no body ſays but they might.* So in the Caſe of *Alice Perrers*, 50 p. 14. *Ed. III. the Record* ſaith, *the Prelates were preſent, and gave Judgment* as to Baniſhment, and Forfeiture of her *Eſtate.* 10 *R. II. Mich. de la Pool, Lord Chancellor*, was accuſed by the *Commons* for ſeveral Miſdemeanours before the *King*, *Prelates* and the *Lords.* Here he yields the p. 18. *Prelates* were *Judges* of *Miſdemeanours*, together with other Lords. And yet if ſeveral of his *Negative Precedents* do prove any thing they prove too much, *viz. that the* Biſhops *ought not to be preſent at the* Trial *of Miſdemeanours: For*, he ſaith, *the Biſhops were not preſent at the Trial of* Weſton *and* Gomenitz, 1 *R. II. nor at the Trial of the Biſhop of* Lett. p. 10. Norwich, 7 *R. II.* nor at ſuch *Judgments* as that of Sir *William de Thorp*, 25 *Ed. III. who was condemned for Bribery*; and yet he yields they were at the Trial of *Mich. de la Pool*, 10 *R. II.* But if they ought not to be preſent at thoſe of 25 *Ed. III.* and 1 *R. II.* and 7 *R. II.* neither ought they to have been preſent at the Trial of *Mich. de la Pool.* Either therefore his Argument doth not prove they were not preſent at the former, being only from *general Words*; or they ought not to have been preſent at the latter, which he confeſſes they were. This will beſt appear by comparing the Caſes together. 1 *R. II.* the *Commons* deliver in a *Schedule* to the *Lords* of their Demands, before they would proceed to a *Subſidy*; among which one was, *That all ſuch who without cauſe had loſt or given up any Caſtle, or Town, or Fortreſs, to the diſhonour of the King, or damage of the People, may be put to their Anſwer before the* Lords *and* Commons *that Pharliament.* Here was no particular Impeachment of theſe Perſons; but upon this the Lords ſent for theſe two Perſons who were Priſoners in the Tower upon this account; and the Charge againſt them was, delivering two Towns in *Flanders* without Commiſſion. *Weſton* made a long and plauſible Defence, to which

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no Anſwer was given; yet both were condemned to die. The *Biſhop of Norwich was charged with ſeveral Miſcarriages* and *Miſdemeanors*, ſaith he; why might not the Biſhops be preſent at this *Trial?* To that he ſaith, *he was charged with one Capital Crime*, viz. *betraying* Graveling *to the French*; but he confeſſeth, *he cleared himſelf of this before they came to Judgment*: And yet he would have the *Biſhops* excluded at this *Judgment*, and that of Sir *William Elmham*, Sir *Thomas Trivet* and others; but confeſſes they were preſent at the *Trial* and *Judgment of Mich. de la Pool.* Let us then ſee what kind of Trial this was. He was impeached in the Name of the *Commons of England*, and *6 Articles* were exhibited againſt him. The main were, *concerning defrauding the King, and miſemploying the Aids granted to the King laſt Parliament, whereby much Miſchief happen'd to the Kingdom*; as may appear by the *Rolls*, and the *Articles* printed in *Knighton.* Upon theſe Articles, the Record ſaith that the *Commons* prayed *that Judgment of Death might paſs upon him, as it did upon Sir* William de Thorp *for receiving* 20 l. *by way of Bribery.* And yet this *Judgment* of Sir *William de Thorp* is one of the *Precedents* againſt the Biſhops being preſent; when he allows they were preſent at the whole Trial of this *Mich. de la Pool*, when a great *Miniſter of State* was ſo hotly charged by the *Commons*, for offences of ſo great a nature, and which in their Judgment *deſerved no leſs than Death.* From whence it follows, by his own confeſſion, that the *Biſhops* may be preſent when the *Miniſters of State* are impeached by the *Commons* of ſuch *Crimes* which, in their *Judgment*, deſerve no leſs than *Death.*

P. 17.

Knighton de Event. p. 2684.

2. In *Acts* of *Attainder*, when the Houſes proceed in a *Legiſlative way*, he grants *the Biſhops may be preſent*; and yet if ſome of his *Precedents* ſignify any thing, they prove they ought not to be preſent at the paſſing of them. As,

Lett. p. 6.

1. In the Caſe of *Roger Mortimer* and others accuſed and tried in Parliament, 4 *Edw.* III. He confeſſeth the *Roll* cannot be read, and therefore refers to 28 *Edw.* III. where *Roger of Wigmore* deſires *that the Attainder may be examined*, which was reverſed by *Act* of *Parliament*; and therefore we may juſtly ſuppoſe the *Judgment* given againſt him was ratified in Parliament. And ſome of our *Hiſtorians* ſay, he was condemned *judicio Parlamenti.* And in the *petition* of *Roger Wigmore*, he prays *that the ſaid Statute and Judgment may be reverſed and annulled.* If therefore the Prelates could not be preſent here, then they are not to be preſent in the *Legiſlative way*: If they were preſent in Acts of *Attainder*, then this general *Negative* way of arguing proves nothing; for then the *Biſhops* were comprehended under the Name of *Peers*; which, without any reaſon, he ſaith *the Biſhops cannot pretend to be*, when it is notorious that they challenged it in Parliament, 11 *R.* II. and it was then allowed as well as their *proteſtation.*

Ceſtrenſ. l. 7. c. 44. Knighton, p. 2558.

In caſe of the Murther of *John Imperial*, 3 R. *II. an Act of Parliament paſſed to make it Treaſon*; and he proves *the Biſhops had no vote in it, nor were preſent at the preparing it.* And yet he confeſſes *that the Biſhops have a right to ſit in all Acts of Attainder, becauſe they ſit then in their Legiſlative Capacity.* Therefore theſe *Negative Precedents* prove nothing.

P. 15.

P. 3, 118.

(2.) The Inſufficiency of theſe *Negative Precedents* appears by this, that we can make it appear by good Teſtimonies, that the Biſhops have been often comprehended under the general Titles of *Grantz, Peers,*

and *Lords of Parliament*, without any expreſs mention made of them.

And becauſe the great force of many of his Teſtimonies lies wholly in this, that the Biſhops are not comprehended under the Names of *Grantz*, *Seigneurs*, and *Peers*, I ſhall endeavour to make it clear beyond Exception, that if the Precedents muſt be determined by the general Words, all the advantage lies on the *Biſhops* ſide.

It is certain that in elder times the *Baronagium Angliæ* did take in all the *Lords* of *Parliament*, both *Spiritual* and *Temporal*. But I betake my ſelf to the Expreſſions uſed in the *Records*; and becauſe the matter of the Debate is confined within the Times of *Edw.* II. and IV. I ſhall take notice of the Language of Parliament within that time; reſerving that of their *Peerage* to the proper place for it.

I begin, as the *Author* of the *Letter* doth, with 4 *Edw.* III. and in that year, *n.* 6. the Record runs thus; *El eſt alſentu & accorde per noſtre Seigneur le Roi, & tout le Grantz en plevn Parlement*, where a Law was paſſed concerning Trial by *Peers*; and in the paſſing of a Law our Author allows *the Biſhops to be preſent*. But it is more plain, *n.* 12. *Acorde per noſtre Seigneur le Roi, & les Grantz de meſme le Parlement*; *It is agreed by the King, and the Great ones in Parliament.* But that the *Biſhops* are comprehended under theſe *Grantz* is evident; for it is there ſaid, *That the Petitions of* Edmund *Earl of* Kent, *and* Margaret *Counteſs of* Kent, to which that Agreement refers, *were read before the King, the Prelates, the Counts, the Barons, and other* Grantz *of the Parliament.* In the ſame year, *n.* 14. we meet with *les Prieres, des Prelatz & autres Grantz, the petition of the Biſhops and other Great Men*; and then it follows, *Noſtre Seigneur le Roi en pleyn Parlement, per aſſent, accord, prieces & conſeil des ditz Prelatz & autres Grantz*; *Our Lord the King in full Parliament, by the aſſent, accord, petition and advice of the ſaid Prelates and other* Grantz. Which ſhews that they are ſome of the *Grantz* of Parliament.

5 *Ed.* III. *n.* 3. *Touz les Prelatz & autres Grantz: n.* 13. *Grantz* in general is uſed in the Debate between the *Abbot* of *Crowland* and Sir *Thomas Wake*: and *n.* 15. *le Roi & as autres Grantz en pleyn Parlement*: *n.* 16. *Item fu accorde per le Roi & touz le Grantz en meſme le Parlement, auxibien per Prelatz come per autres*; *It was agreed by the King and the Great Men of the Parliament, as well by the Prelates as others.* Nothing can be plainer than that the Biſhops are called *Grantz*, as well as the other Lords of Parliament.

6 *Ed.* III. *n.* 1. *Devant noſtre Seigneur le Roi, & touz le Prelatz, & autres Grantz*; *The Articles were read before the King, the Prelates, and other Great Men.* If the Biſhops had not been comprehended under *Grantz*, the Record would have only uſed *Grantz*, and not *autres Grantz.* But the ſame Expreſſion is again uſed, *n.* 5. In the ſecond part of the Rolls of that year, *n.* 1. we find three ſeveral ways of expreſſing the Perſons then preſent: The firſt, *les Prelatz, Countes, Barons, & autres Grantz du Parlement*; the next is, *queux Prelatz & autres Grantz*; the third is, *touz le Grants en meſme le Parlement*: and all theſe are uſed to expreſs the ſame Perſons. And again, *n.* 3. *touz le Grantz du dit Parlement*, which are there oppoſed to *Chivalers des Countes*; and are more diſtinctly mention'd before in theſe Words, *les ditz Prelatz, Countes, Barons, & autres Grantz, & les Chivalers des Countes, & tote la Commune.* Sometimes the *Grantz* are taken in gene-

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ral for all of the Houſe of Peers, and the *Commons* for the Lower Houſe. So 21 *Ed.* III. *n.* 63. *il aſſentuz per lui, les Grantz, & la dit Communalté a ſon Parlement*; and again, *ditz Grantz & de tote la Come ſuſditz*; and, *le Roi per aſſent des Grantz commanda a la ditz Come.* From theſe Examples, and many more which might, if it were needful, be produced, it evidently appears that the Biſhops were *Grantz* in Parliament, according to the Language of that Time; and therefore the *Precedents* produced wherein only the *Grantz* are mentioned, are of no force at all againſt the Preſence of the Biſhops. And that Aſſertion of the *Author* of the *Peerage*, &c. appears to be without any ground, *viz. that the Biſhops are never ſpoken of in any Record, but by the Name of Biſhops or Prelates, or ſome ſuch Name, to diſtinguiſh them from the Laity.* P. 15. Theſe general Negatives are very bold and dangerous things; and one Affirmative overthrows them. But I have produced many Inſtances to the contrary, and might do many more. Such Men who dare venture upon ſuch bold Sayings, muſt be preſumed to have read over all the Records themſelves, and muſt preſume that none elſe ever ſo much as looked into them. But that *Author* diſcovers too much his *Second-hand* Learning in theſe matters; and we might have wanted ſeveral of his *Precedents*, had it not been for Mr. *Selden*'s *Baronage.*

As to the Title of *Seigneurs du Parlement*, being common to the *Biſhops*, I am prevented by another hand. *Rights of the Biſhops*, p. 56, 57, &c.

I ſhall only add two Precedents more, not taken notice of by others. The one 7 *R.* II. The Anſwer of *Mich. de la Pool* is ſaid to be *coram Magnatibus & Communitate in Parlamento*; where the *Author* of the *Letter* confeſſeth *the Biſhops were preſent*, and therefore comprehended under the *Magnates.* The other 15 *H.* VI. *One* Phillips *complained againſt the Biſhop of* London *to the Houſe of Commons*; *they ſent the Complaint up to the Lords*; *the Biſhop asks the Advice of the Houſe, who gave this Anſwer*, Non conſentaneum fuit aliquem Procerum alicui in eo loco reſponſurum. Which had ſignified nothing, if the Biſhops had not been allowed to be *Proceres Regni.* So much for his *Negative Precedents.*

II. Some of his *Precedents* were condemned in Parliament to be irregular and erroneous in other reſpects; and therefore it is no wonder if they ſhould be ſo in this.

1. The *Judgment* upon *Roger Mortimer*, Earl of *March*, 4 *Ed.* III. was reverſed in Parliament 28 *Ed.* III. as *defective and erroneous* in all Points, being without any *Proof or Witneſſes*, or bringing the *Perſon to anſwer for himſelf.* And therefore it was an Honour for the *Biſhops* not to be preſent.

2. The *Judgment* upon *Haxey*, 20 *R.* II. is confeſſed by the *Author* to be *moſt unjuſt, and would not only have ſhaken, but wholly deſtroyed the very Foundation of Parliament*; *and reverſed* 1 *H.* IV. *as againſt Right and Courſe of Parliaments.* And he confeſſeth *the Biſhops were preſent at condemning it, but not at paſſing it.* Which alſo makes much for their Honour. Letter, p. 24.

III. Some of his *Precedents* prove that when the *Biſhops* did withdraw, they did it *voluntarily*, and took care to preſerve their *Right*, either by *proteſtation* or appointing a *proxy*:

[1.] That they withdrew *voluntarily.* So 5 *Ed.* III. it is ſaid, *That the Biſhops did withdraw at that time, being of Opinion that it did not properly belong to them to give Counſel about keeping the Peace, and puniſh-* P. 8.

ing of Malefactors; and ſo, ſaith he, *they went away by themſelves, and returned no more.* But altho' this proves nothing but a *voluntary Act* of the *Biſhops* in *withdrawing*; yet the Repreſentation made of this matter is ſo partial, and different from the *Record*, that I cannot but take a little more notice of it.

1. He ſaith, *That the Prelates being of Opinion that it belonged not properly to them to give Counſel about keeping the peace, or puniſhing ſuch Evils, they went away by themſelves, and returned no more.* Thereby inſinuating, that they looked on this matter as wholly unfit for them to meddle in, and thereupon left the Houſe. Whereas the Words of the Record are, *Si alerent meſmes les Prelatz & les Procurators de la Clergie per eux meſmes a conſeiler de choſes ſuſdites; & les ditz Countes, Barons & autres Grantz per eux meſmes*; *So the Prelats and Proctors of the Clergy went by themſelves to* conſult about the aforeſaid matters, *and the Earls, Barons, and other Great Men by themſelves.* So that this withdrawing was but into ſeveral *Committees*, as was uſual at that time, by which the Senſe of the *Three Eſtates* was beſt underſtood; and then they met together, and agreed upon what was fit to be made a Law. This appears by 6 *Edw.* III. *A queu jour de Joedi eu one tret, & deliberation, ceſt aſſavoir les ditz Prelatz per eux meſmes, & les ditz Countes, Barons, & autres Grantz, per eux meſmes, & auxint les Chivalers des Countes per eux meſmes*; *Upon which* Thurſday *they enter'd upon debate*, (concerning the News from *Scotland*) *the Prelates by themſelves, the Lords and other Great Men by themſelves, and ſo the Knights of Counties by themſelves.* The Houſes being then not wholly ſeparate, not always together, but dividing into *Committees*, and not into *Houſes*, as occaſion required, and then joining together to expreſs their common Senſe. So 40 *Ed.* III. when the occaſion of their meeting was deliver'd, which was an extraordinary Meſſage from *Rome*, the Pope ſending for *Tribute* and *Homage*, it is ſaid, *The Biſhops went by themſelves, and the other Lords by themſelves, and the Commons by themſelves*; and then met together, and declared their unanimous Reſolution to oppoſe to the uttermoſt any ſuch Demand. Such a withdrawing of the *Biſhops* it was in this caſe. For they and the *Proctors of the Clergy* (whether by them we underſtand the *Procuratores Cleri*, who, according to the *Modus tenendi Parlamentum*, made a *part of the Parliament*, or the *proxies* of the *abſent Biſhops*, who were allow'd to ſupply their places, as appears by 35 *Ed.* I. and the Caſe of the Biſhops of *Durham* and *Carliſle* in the Parliament at *Weſtminſter*, *Ed.* II. and 17 *R.* II. and many other Inſtances afterwards) thought fit to conſider in this matter what was *moſt proper* for them. And accordingly we find Eccleſiaſtical Cenſures added to the Civil Sanctions, and brought in by the Prelates at that time, which are ſtill extant in the *Record.*

2. Whereas he ſaith, *the Biſhops returned no more*, the Record ſaith the contrary. For it expreſly ſaith, *That the Orders for keeping of the Peace agreed on by the Committee of Lords were read before the King, the Biſhops, the Knights of Counties, and the Commons, and did pleaſe them all*; & per noſtre Seigneur le Roi, Prelatz, Countes, Barons, & autres Grantz, & auxint per les Chivalers de Countes & gentz de Commun, furent pleynment aſſentuz & accordez. And the ſame is immediately ſaid of the Cenſures brought in by the *Biſhops*. Which made me extremely wonder at his ſaying, *that the Biſhops returned no more*; whereas it is very plain, they did not only *return*, but the *Orders* were

were read before them, and they did give their *aſſent* to the *paſſing* of them.

In the Parliament 11 *R. II.* that it was only a voluntary withdrawing, I prove from the Conceſſions of the Author of the Letter; viz. *that they might be preſent in all Acts of Attainder.* For it is evident from the printed Statutes, that they proceeded by way of Attainder againſt the Miniſters of State; and therefore they might have been preſent, if they pleaſed, upon the Author's own grounds. How is it then poſſible for him to underſtand *de Jure non poſſumus, in their Proteſtation* 11 *R. II.* of the *Law of the Land*, when he grants that in all Acts of Attainder, they may *de jure* be preſent and give their Votes?

[2.] When they did ſolemnly withdraw they took care to preſerve their Right two ways; (1.) By *Proteſtation*, (2.) By *Proxy.*

1. By *Proteſtation*, ſaving their *Right*; which was received by the *Houſe*, and enter'd; of which before. The late *Author* of the *Peerage and Juriſdiction of the Lords Spiritual* will not allow the Proteſtation to be an Argument of any Right; *neither*, ſaith he, *doth the permiſſion or allowance of any Proteſtation yield the Right which the Proteſtor is deſirous to ſave, but only ſaves the Right which he had before, if he had any.* p. 24. Whereas the *Author* of the *Letter* makes it as good as a *Law*, being entred in the *Journal-Book*, that ſuch a thing was agreed *by the King and the two Houſes.* Lett. p. 23. I will not deny that the former *Author* ſpeaks more reaſonably in this matter, when he ſaith, *That the utmoſt a Proteſtation can do is, to anticipate a Concluſion*, or *Eſtoppel*; i. e. *to provide that the doing of any ſuch Act as is contained in the Proteſtation, ſhall not be conſtrued to the prejudice of the Party, ſo as to bar or conclude him from claiming afterwards that which in truth is his Right.* It is true, this Proteſtation paſſed with greater Solemnity than uſually; for it was with the *Conſent of the King and both Houſes*; but however it retained the nature of a Proteſtation. And there was no diſtinction at that time between a *Journal-Book* and the *Rolls of Parliament.* For a good Author aſſures us, *the Journals of the Upper Houſe began* 1 *H. VIII.* and therefore the *Author* of the Peerage, *&c.* deſerved no ſuch ſevere Reproof on that account. But this is all I plead for, *viz.* That this Proteſtation was a *Salvo* to their Right; which meeting with no Conteſt or Oppoſition in the *Houſes*, but paſſing with unanimous Conſent, is a certain Argument the *Houſes* did not think there was any Law to exclude them. And therefore the *Author* of the *Judicature* very well ſaith, *That had it not been for the Canon-Law*, (for which he refers to the *Synodal Conſtitutions* at *Weſtminſter* 21 *H. II.* which is only reviving the *Council* of *Toledo*'s Canon) *they might have been preſent both by Common Law, and by the Law of God.* Selden's Bar. p. 6. *Rights of the Biſhops*; p. 76.

2. By Proxy, or one common Procurator to appear in Parliament for them, and to vote in the name of the whole Body. This was receiv'd and allow'd 21 *R. II.* upon the *Petition* of the *Houſe of Commons, becauſe Judgments had been reverſed without their concurrence.* Againſt this the *Author* of the *Letter* objects many things which are eaſily anſwer'd.

1. That *hence it appears they could not be perſonally preſent.* On the contrary, from hence it follows they had a *Parliamentary Right* to be preſent; although they ſaid by *Canon-Law they could not.* Lett. p. 28.

2. *That it was never practiſed but in this one Parliament.* That is ſtrange, when himſelf confeſſeth, that it paſſed for good Law, 10 *Ed.* p. 78.

IV.

IV. Term. Paſch. n. 35. and the ſame is cited by *Stamford Placit. Cor. l.* 3. *f.* 153. To which Judgment of the *Lawyers*, and the greateſt of their time, (for *Littleton* was then Judge 10 *Ed. IV.*) we have a very extraordinary Anſwer called *Error Temporis*; which will equally make void the *Law* or *Judgment* of any *Age*. But is it poſſible, that ſhould paſs for *Law* 10 *Ed. IV.* which was never practiſed but once 21 *R. II.* and the contrary practice had been only allowed all the intermediate times? Thus a ſhort Anſwer may be given to the *Conſtitution* of *Clarendon*, it was *Error Temporis*; to the *allowing the Proteſtation*, 11 *R. II.* it was *Error Temporis*; and ſo on to the end of the *Chapter*. If there were any *Error Temporis* in this matter, it lay in this, that they took this Precedent 21 *R. II.* for a ſufficient Ground, *that the Biſhops ſhould only appear by* Proxy *in ſuch Caſes*; whereas the *Canon-Law* being taken away ſince the Reformation as to theſe matters, their Right of Perſonal appearing doth return to them of courſe.

p. 79.

Lett. p. 79. 3. That *this Parliament was repealed* 1 *H. IV.* But this I have anſwer'd already from his own Words, wherein he acknowledges him to be an *Uſurper*, and conſequently the Repeal not made by a legal Parliament. And this Repeal was again taken off 1 *Ed. IV.*

4. *That it is not at all Parliamentary, for one or two Men to repreſent a whole Body.* The Conſequence then is, that they ought to enjoy their own Perſonal Right. All that we urge from hence is, that the *Biſhops* kept up their Right ſtill by their Proxies, when they thought the *Canons* would not allow voting in their *own Perſons*.

IV. Some of his Precedents do prove, that after the Proteſtations and Proxies, they did aſſert their *own Perſonal Right*, and were preſent both at Examinations, and at the whole Proceedings.

Lett. p. 31. 1. At *Examinations*. As in the Caſe of Sir *William Rickill* 1 *H. IV.* who was brought to Parliament *before the King and the two Houſes, the Lords Spiritual and Temporal and the Commons then aſſembled together*. And he grants the *Biſhops* were preſent at his Examination.

p. 41. to p. 48. 2. At the whole Proceedings, 28 *H. VI.* where he confeſſeth, *the Biſhops were not only perſonally preſent, but did act and bear a principal part in a* Judicial *proceeding in Parliament, in a Caſe that was in it ſelf Capital, viz. of* William de la Pool, *Duke of Suffolk*. Which is very fully related by the *Author*, and needs no repetition. All that he hath to ſay to this, is, *that the whole proceedings were irregular, and not to be drawn into Precedent*. Whereas a great Lawyer in his time, Sir *E. C.* made uſe of this as a ſufficient Precedent in a Caſe of great moment, *about Commitment upon a general Accuſation*. But there is not any Irregularity expreſſed or intimated in the *Biſhops* appearing and judging as other Lords did; and the Judgment was not reverſed becauſe of their being there, as we have ſhewed others have been for their being abſent.

V. None of all his Precedents do prove that the *Biſhops* were ever excluded from ſitting, by any *Vote* of the *Houſe* of *Lords* or *Commons*. That they might *voluntarily withdraw*, we deny not; or not *be preſent at giving of Judgment out of regard to the Canons*; which is all that is proved by the Precedent of *John Hall* 1 *H.* IV. of the *Earls* of *Kent*, *Huntington*, &c. 2 *H.* IV. of Sir *John Oldcaſtle*, 5 *H.* V. and of Sir *John Mortimer*, 2 *H.* VI. And this we have made appear was done by them out of regard to the *Canon-Law*; the force of which being taken away

p. 32. p. 34. p. 37. p. 39.

away by the *Reformation*, the *Biſhops* are thereby reſtored to their juſt Parliamentary Right. Neither can any Diſuſage be a bar to that Right, ſince the ground of that Diſuſage was ſome thing then ſuppoſed to be in force, which is now removed by the Reformation. And I fear, if this kind of arguing be ſufficient to overthrow the *Biſhops Rights*, much ſtronger of the ſame kind may be uſed to overthrow the *King's Supremacy* in matters of Religion. So great care ought Men to have, leſt under the colour of a mighty zeal againſt *Popery*, they do not overthrow the very Principles of our Reformation.

VI. There are Precedents upon Record in the *Rolls* of *Parliament*, which are not mention'd by *the Author* of *the Letter*, which do prove that *the Biſhops* were preſent at the Examination of *Treaſon* and *Capital Offences* in *Parliament*. And that within the time, wherein he pretends to give an account of *all the Trials recorded in the Rolls*. Which ſhews how eaſily Men paſs by thoſe things they have no mind to ſee. p. 5, 51.

I begin with 4 *Ed.* III. and I muſt do him that right, as to ſay, that he doth not only mention the Trial of *Roger Mortimer*, but of Sir *Simon Bereford and others who were accuſed and tried in Parliament*. But pretending, *that the Roll of that Parliament is ſo defaced that it cannot be read*, he runs to that of 28 *Ed.* III. and ſo gently paſſes over all *the other Trials* which are in the *Record*, and are more plain and expreſs as to this matter. Among the *Articles* againſt *Roger Mortimer*, *Earl* of *March*, one is, *that after he knew certainly the death of Edw.* II. *he made uſe of Inſtruments to perſwade* Edward *Earl of* Kent, *that King's Brother, that he was ſtill living, and ſo drew him into a deſign for his Reſcue; for which he was attainted at* Wincheſter, *and there ſuffer'd death for it.* Among theſe Inſtruments the chief was one *Mautravers*, who for that Reaſon was attainted this Parliament; and the Words of the Record are, *Treſtouz les Prieres, Counts & Barons aſſemblez a ceſt Parliament a* Weſt. *ſi ont examine eſtraitement, & ſur ce ſont aſſentuz & accordez, que* John Mautravers, *ſi eſt culpable de la mort Cimon Count de* Kent, &c. *All the Peers, Counts and Barons aſſembled in this preſent Parliament, upon ſtrict examination do aſſent and agree, that* John Mautravers *is guilty of the death of* Edmund *Earl of* Kent. Here we have the ſtrict Examination of a *Capital Caſe* in Parliament, and all the Peers are ſaid to be preſent at it. It is uſed as an Argument by the Author of the *Letter*, *that in the caſe of* Roger Mortimer, *the Biſhops could not be comprized under the general name of Peers, ſince the Barons are firſt in Rank.* But here the Peers are mentioned before *Counts* and *Barons*; and it will be impoſſible for him to aſſign any other Peers at that time, that were named before them, but the Prelates; who frequently are ſo put in the Records of that time: as in the ſame Parliament, *n.* 12. *Prelatz, Countes, Barons, n.* 13. *Et per aſſent des ditz Prelatz, Countes, Barons*; ſo again, *n.* 14. 15, 17, 24, 25. But the *Author* of the *Letter* ſaith, *they cannot pretend to be Peers of the Realm.* Let him name then other Peers of the Realm at that time, who were neither *Counts* nor *Barons*, and were before them. But if we are to judge who are Peers of the Realm by the Records of Parliament, I do not queſtion but I ſhall make it evident, that the Biſhops were ſo eſteemed, and that ſome Perſons, who pretend to great Skill in Records, either have not ſearched ſo diligently, or have not obſerved ſo carefully about this matter as they might have done. But of this afterwards. p. 6. Rot. Parl. 4. Ed. 3. n. 3. p. 7. p. 7.

In

In the ſame Parliament Judgment was paſſed upon *Boges de Boyons*, *John Deveril*, *Thomas Gurnay*, *William Ocle*; but being by way of *Attainder*, and not upon particular examination, which is mentioned in the caſe of *Mautravers*, I paſs them over.

In the Pleas of the Crown held before the King in this Parliament, we find another Caſe which relates to our preſent debate, *viz.* of *Thomas Lord Berkley* and *Knight*, who was arraigned for the *death of King Ed.* II. *who came before the King* in pleno Parlamento, *in full Parliament*, and there pleaded *Not guilty*; *and declared he was ready to clear himſelf as the King's Court ſhould adviſe. Then they proceeded to particular Examination of him, how he could acquit himſelf, being Lord of the Caſtle where the King was murthered, he being committed to his Cuſtody and* John Mautravers. *He pleaded for himſelf, that he was then ſick at* Bradley, *and knew nothing of it. They charged him, that the Keepers of the Caſtle were of his own appointing, and therefore he was bound to anſwer for them. He anſwer'd, that they with* Mautravers *having receiv'd the King into their cuſtody, he was not to be blamed for what they did: and for this he put himſelf upon his Country. At the day appointed for his Trial, he appears again*, coram Domino Rege in pleno Parlamento; *and the Jury returned him Not guilty. But becauſe he appointed* Gurnay *and* Ocle *to keep his Caſtle of* Berkely, *by whom the King was murthered, the King appoints him a day the next Parliament to hear his Sentence; and in the mean time he was committed to the Cuſtody of* Ralph Nevil, *Steward of the King's Houſe.* In the next Parliament 5 *Ed.* III. *n.* 18. *The Prelates, Earls and Barons petition the King, that he might be diſcharged of his mainpriſors: the which was granted, and a farther day given him to appear next Parliament.* But we read no more of him, till the Summons he had 14 *Ed.* III. as one of the *Lords in Parliament.* The great force of this Precedent lies in underſtanding what is meant by appearing before the King in full Parliament. If under this the *Biſhops* be comprehended, then this will be an uncontroulable Precedent of the preſence of the *Biſhops* in the Examination of a *Caſe Capital.*

What the importance of this phraſe of *full Parliament* is, will beſt appear by the uſe of it in the *Records* of that time. 4 *Ed.* III. *n.* 6. *Et eſt aſſentu & accorde per noſtre Seigneur le Roi, & touz les Grantz en pleyn Parlement.* Where it was agreed, *that the proceedings at that time by the Lords againſt thoſe who were not* Peers *ſhould not be drawn into conſequence; and that the* Peers *ſhould be charged only to try* Peers. Which hath all the formality of an *Act* of *Parliament:* and therefore *all the Eſtates were preſent, n.* 8. Accorde eſt per noſtre Seigneur le Roi & ſon Conſeil en pleyn Parlement. Which was an Act of Pardon concerning thoſe who followed the *Earl* of *Lancaſter*, 5 *Ed.* III. *n.* 10. we have the particular mention of the *Biſhops*, as ſome of thoſe who do make a *full Parleament. Accorde eſt per noſtre Seigneur le Roi, Prelatz, Countes, Barons, & autres Grantz du Royalm en pleyn Parlement*; and *n.* 17. *En pleyn Parliment ſi prierent les Prelatz, Countes, Barons, & autres Grantz de meſme le Parlement, a noſtre Seigneur le Roi*, &c.

6. *Ed.* II. *n.* 5. the Archbiſhop of *Canterbury* made his Oration *en pleyn Parlement*, which is explained by *en la preſence noſtre Seigneur le Roi, & de touz les Prelatz, & autres Grantz. n.* 9. *Si eſt accorde & aſſentu per touz en pleyn Parlement*; who thoſe were, we are told before in the ſame number, *viz. Les Prelatz, Countes, Barons, & touz les autres ſomons a meſme le Parlement.* Which is the cleareſt explication

of

of *full Parliament, in the preſence of all thoſe who were ſummon'd to Parliament.* From whence it follows, that where a *full Parliament* was mention'd at that time, the *Biſhops* were certainly preſent, and conſequently did aſſiſt at the Trial of *Thomas Lord Berkely*, who appeared before the *King in full Parliament*; as *Nich. de Segrave* did 33 *Ed.* I. and there the *Biſhops* are expreſly mention'd as *preſent*; as appears by what hath been ſaid before concerning his Caſe.

5 *H.* IV. *Henry Hotſpur*, Son to the *Earl* of *Northumberland*, was declared a *Traitor* by the *King* and *Lords in full Parliament*; and the ſame day the *Father* was, upon examination, *acquitted of Treaſon by the Peers.* It is not ſaid that this was done *in full Parliament*, as the other was; but there are ſeveral Circumſtances which make it very probable the *Biſhops* were then preſent. (1.) When the *Earl* of *Northumberland* took his *Oath of Fidelity to the King, he did it*, ſaith the Record, *upon the Croſs of the Archbiſhop*; which was to be carried before him, if he went out of the Houſe. (2.) The *Archbiſhop* of *Canterbury pray'd the King, that foraſmuch as himſelf and other Biſhops were ſuſpected to be in* Piercie's *Conſpiracy, that the Earl might upon his Oath declare the Truth*, who thereupon did clear them all; which ſhews that the *Archbiſhop* was then preſent in the Houſe. And for the ſame reaſon that he was preſent, we may juſtly ſuppoſe the other *Biſhops* to have been ſo too. (3.) The *Earl* of *Northumberland beſeeched the Lords, and Earls, and Commoners, that if he brake this Oath, they would intercede no more with the King for him.* Now the better to underſtand this, we are to conſider, that *H.* IV. takes notice in his Declaration, upon the *Rebellion* of Sir *Henry Piercy*, That *the Earl of* Northumberland *and his Son gave out, That they could have no acceſs to the King, but by the Mediation of the Biſhops and Earls, and therefore did beſeech them to intercede with the King for them.* It is not then probable, that thoſe ſhould be now left out, when the Words are *large enough* to comprehend them, and no one Circumſtance is brought to exclude them. For that general one, of *their not being Peers*, will be fully refuted afterwards. Walſingh. hiſt. Angl. p. 366.

But that which puts this out of diſpute is, (4.) that the Record ſaith, *n.* 17. the Commons not only gave the King Thanks for the Pardon of the Earl of *Northumberland*, but the Lords Spiritual and Temporal, in theſe remarkable Words, *Et aux meſmes les Coes remercierment le Seigneurs Eſpirituelx & Temporelx de lour bon & droiturel judgment quils voient fait come Piers du Parlement*; *And likewiſe the Commons gave Thanks to the Lords Spiritual and Temporal for the good and right Judgment which they had given* in this Caſe *as Peers of Parliament.* Which is a clear Precedent of the Biſhops judging in a Capital Caſe, and that as Peers.

2 *H.* VI. *n.* 9. *John Lord Talbott* had accuſed *James Boteler, Earl of Ormond*, of ſundry *Treaſons* before *the King and his great Council*; and after, before *John Duke of Bedford, Conſtable of England.* The *King* takes advice of his Parliament about it, and then it is expreſly ſaid in the *Record, De aviſamento & aſſenſu Dominorum Spiritualium & Temporalium ac Communitatis Regni Angliæ, in eodem Parlamento exiſtent', facta fuit quædam abolitio delationis, nuntiationis & detectionis prædict', &c.* Here the King adviſeth with the *Lords Spiritual* in an *Accuſation* of *Treaſon*; and therefore they muſt be preſent in the *Debates* concerning it.

I leave now any conſiderate Perſon to judge impartially on which ſide the *Right* lies. For on the *one* ſide,

1. There is the *Conſtitution* of *Clarendon* interpreted by *H.* II. and the *Biſhops* at *Northampton.*

2. A *Proteſtation* of their *Right* enter'd and allowed by King, Lords and Commons, 11 *R.* II.

3. A *Reverſing* of *Judgments* owned by Parliament for *want of their Preſence*, 21 *R.* II.

4. A preſerving of their *Right* by *Proxy*, when they thought their perſonal Attendance contrary to the *Canons.*

5. A Bar to a total diſcontinuance of their perſonal *Right*, by an allowed *Precedent*, 28 *H.* VI.

6. A reſtoring them to their former *Right*, by removing of the force of the *Canon-Law* upon the *Reformation.*

7. No one *Law* or *Precedent* produced for excluding them, even in thoſe Times, when they thought the *Canons* did forbid their Preſence.

8. Several *Precedents* upon *Record*, wherein they were preſent at *Examinations* and *Debates* about *Caſes Capital.*

On the *other* ſide,

1. The *Precedents* are *General* and *Negative.*

2. Or relating to ſuch *Caſes* wherein they are allowed to be preſent.

3. Or of *Judgments* condemned as *erroneous* by Parliament.

4. Or of *voluntrary withdrawing*, with *Proteſtation* of their *Right*, and making of *Proxies.*

5. Or of *not being preſent* at the paſſing of *Judgment* out of regard to the *Canon-Law.*

And now on which ſide the *Right* lies, let the *Author* of the *Letter* himſelf judge.

CHAP. IV.

The Peerage *of the Biſhops cleared: How far they make the* Third Eſtate *in Parliament.* Objections *againſt it anſwered.*

THERE remain *Two* things to be conſidered, which are put in by way of *Poſtſcript* by the *Author* of the *Letter*: The one concerns the *Peerage* of the *Biſhops*, the other their being a *Third Eſtate* in Parliament.

I. Concerning their *Peerage.* To prove this *Two Statutes* had been alledged, 25 *Ed.* III. *c.* 6. and 4 *Hen.* V. *c.* 6. and the Opinion of *Judges* and *Lawyers* out of the *Year-Books.* But although theſe had been very ſignificant, if they had been againſt them; they have the hard fortune to ſignify nothing, when they are for them. A meer *Proteſtation* becomes *good Law*, *very ſubſtantial Law*, if it be ſuppoſed to make againſt the *Biſhops*; and yet in that very Proteſtation the *Right of Peerage* is expreſly challenged (as well as it is aſſerted and taken for granted in the *Statutes* mention'd.) Is that part of the Proteſtation *invalid?* And muſt nothing paſs for *Law* but what is againſt them? Is it credible that a *Right* of *Peerage* ſhould be owned and received in *Acts* of Par-

Parliament, in Proteſtations, in Year-Books, time after time, and no Oppoſition made againſt it by the *Temporal Lords* all that time, in caſe they believed the *Biſhops* had challenged that which by no means did belong to them? Did not the *Temporal Lords* underſtand their own *Privileges?* Or were they willing to ſuffer the *Biſhops* to aſſume their Titles to themſelves without the leaſt Check or Contradiction, and let their Proteſtations be enter'd in the *Rolls* of *Parliament* without any contrary *Proteſtation?* I do not queſtion but the *Author* of the Letter did read the *Biſhops* Proteſtation at large in the *Parliament-Rolls*, 11 *R.* II. And can any thing be plainer, than that therein they challenge a *Right* of *Peerage* to themſelves, *ut Pares Regni——cum cæteris Regni Paribus*, &c? And this Proteſtation, he ſaith, *was enter'd by conſent of the King, Lords Temporal, and Commons*; as is expreſſed in the *Rolls*. Were the *Temporal Lords* awake? Or were they mean and low-ſpirited Men? No, they were never higher than at this time, when the *King* himſelf durſt not withſtand them. What could it be then but meer Conviction of their juſt *Right* of *Peerage*, which made them ſuffer ſuch a Proteſtation as that to paſs, after ſo ſolemn and uſual a manner, and to be enrolled *par Commandment du Roy, & aſſent des Seigneurs Temporels & Communs*; as it is in the *Rolls?* Was all this only *Complement to the potent Clergy at that time?* But who can imagine, that *King, Lords*, and *Commons*, ſhould Complement at that rate, as to ſuffer the *Biſhops* to challenge a *Peerage* to themſelves in *Parliament*, if they had not an undoubted Right to it? This *one Argument* is ſufficient to convince any reaſonable Man. Eſpecially when we conſider, that in the ſame *Parliament*, before the Proteſtation was brought in, a Motion was made, *n.* 7. by all the *Lords Spiritual and Temporal, which they claimed*, come leur libertez & franchiſe, *as their Liberty and Privilege, that all weighty matters moved in this Parliament, or to be moved in any to come*, touchant Pieres de la Terre, *concerning the Peers of the Realm, ſhould be determined, adjudged, and diſcuſſed by the courſe of Parliament; and not by the Civil, nor by the Common-Law of the Land, uſed in inferior Courts of the Realm. The which Claim, Liberty, and Franchiſe, the King moſt willingly allowed and granted in full Parliament.* From whence it is evident, that the King and Parliament did allow the *Right* of *Peerage* in the *Lords Spiritual*; for it is ſaid expreſly in the Record, *that all the Spiritual as well as Temporal Lords joyned in this Claim:* Which being allowed them in full Parliament, is an evidence beyond contradiction of their *Right* of *Peerage*.

But againſt this, no leſs is pretended than *Magna Charta, viz.* that every Man who is tried at the *King's Suit*, muſt *be tried by his Peers.* Lett. p. 85. *Now if a Biſhop be tried for any Capital Offence, he is tried by the Commoners, and that is the Common-Law of* England; *it hath ever been ſo, never otherwiſe; then muſt Commoners be his* Peers, *and he and Commoners muſt be* Pares.

To this *Argument*, how ſtrong ſoever it appears, theſe two things may be juſtly anſwered.

1. That the matter of Fact cannot be made out, that a *Biſhop* hath always been tried by *Commoners*.

2. That if it could, it doth not overthrow their *Peerage* in *Parliament*.

(1.) That the matter of Fact cannot be made out, *viz. That if a Biſhop be tried for a Capital Offence, he is tried by the Commoners; that it*

Ant. Brit. p. 223. *hath ever been ſo, never otherwiſe.* For in 15 *Ed.* III. *John Stratford, Archbiſhop* of *Canterbury*, was, at the King's Suit, accuſed of *Capital Crimes, viz.* of no leſs than *Treaſon*, and *Conſpiracy* with the *French King.* He put himſelf upon his *Tryal in Parliament.* A *Parliament* was called; and he at firſt refuſed Admiſſion into the *Houſe*; which he challenged *tanquam major par Regni poſt Regem, & Vocem primam in Parlamento habere debens, As the firſt Peer of the Realm after the King, and having the firſt Vote in Parliament.* Upon which, and the Interceſſion of his Friends, he is admitted into the *Houſe*; and there he put himſelf upon the *Tryal* of his *Peers.* At which time a great D bate aroſe in the *Houſe*, which continued a whole Week; and it was reſolved, *that the Peers ſhould be tried only by Peers in Parliament.* Whereupon the Archbiſhop had twelve Peers appointed to examine the *Articles* againſt him: Four Biſhops, *viz. London, Hereford, Bath*, and *Exeter*; Four Earls, *Arundel, Salisbury, Huntingdon*, and *Suffolk*; and four Barons, *Percy, Wake, Baſſet*, and *Nevil.* Here we have all that can be deſired in the Caſe. Here is a *Biſhop* tried at the *King's Suit*, and for a *Capital Crime*; and yet not tried by *Commoners*, but by his *Peers*, and that after long debate in the *Houſe* concerning it. If it be ſaid, *that he was tried by the Lords as Judges in Parliament, and not as his Peers*; it is anſwer'd, 1. Then Biſhops are *Judges in Parliament* in *Caſes Capital*; for ſo this was; and 4 *Biſhops* appointed to examine it. 2. The Debate in the *Houſe* was about *Tryal of Peers by their Peers*; and upon that it was reſolved, that the Archbiſhop ſhould be tryed by the *Houſe.* For the King deſigned to have him tried in the *Exchequer* for the matters objected againſt him, and the *Steward* of the *King's Houſe* and *Lord Chamberlain* would not ſuffer him to enter into the *Houſe of Lords*, till he had put in his Anſwer in the *Exchequer.* Upon which the great Debate aroſe; and therefore the Reſolution of the *Houſe* is as full a Precedent in this Caſe as can be deſired.

I do not deny, that the Rolls of Parliament of that Year ſeem to repreſent the 12 Peers, as *Birchinton* calls them, not as appointed to examine the particular Caſe of *Stratford*; but to draw up in form the deſire of the Peers, as to a Trial by their Peers, in Parliament; the which is extant in the *Record*, 15 *Ed. III. n.* 7. However, this Argument doth not loſe its force, as to the Peerage of the Biſhops; but it is rather confirmed by it. For there they pray the King, by the Aſſent of the Prelates, Counts and Barons, that the Peers of the Realm may not be judged but in Parliament, *& per lour Piers, and by their Peers*; and after it follows, *that they may not loſe their Temporalties, Lands, Goods and Chattels*, &c. Who were capable of *loſing their Temporalties*, but the Prelates? Therefore this Law muſt reſpect them as well as others. As farther appears not only by the Occaſion, but by the Conſequent of it. For it follows, *n.* 8. that the *Archbiſhop of Canterbury was admitted into the King's Preſence; and to anſwer for himſelf in Parliament* devant les Piers, *before his Peers*; which the King granted. So that the Rolls of Parliament put this matter beyond contradiction.

In 21 *R. II. Thomas Arundel, Archbiſhop of Canterbury*, was impeached of *High Treaſon* before the King and Lords in Parliament. The King's Anſwer was, *That foraſmuch as this Impeachment did concern ſo high a Perſon*, & Pier de ſon Royalm, (it is in the *Record*, but left out in the *Abridgment*) and a Peer of the Realm, *The King would be adviſed.* But ſoon after he was condemned for *Treaſon* by the *Houſe*, the *Proxie*

of

of the Biſhops, Sir *Tho. Percy*, giving his *Vote*. The force of this doth not lie barely in his being impeach'd before *the Houſe of Peers* in time of Parliament; but that the King called him in his Anſwer *a Peer of the Realm.*

And becauſe two Laws were already paſſed, the one, *that Peers were to try none but Peers*, 4 *Ed.* III. *n.* 6. the other, *that Peers were to be tried only by their Peers*, 15 *Ed.* III. *n.* 7. the former of theſe, the *Author* of the *Jurisdiction of the Houſe of Peers aſſerted* (one well known to the *Author* of the *Letter*) *would have only looked on as a Temporary Order of the Houſe.* But our greateſt Lawyers are of another Opinion. And an eminent Lawyer ſtill living urged this as an *Act* of *Parliament*, *becauſe it is ſaid, that the King in full Parliament aſſented to it*; and he added, *that the Words are both Affirmative and Negative*; *they ſhall not be bound, or charged to try any other than Peers, but be thereof diſcharged*; *and that therein they declare it to be againſt Law for them to exerciſe Juriſdiction on thoſe who were not their Peers.* From whence it follows, that ſince *Stratford* and *Arundel*, Archbiſhops of *Canterbury*, were allow'd to be tried by the Houſe of *Peers*, (without Impeachment from the Commons) they were looked on as Peers by the whole Houſe.

p. 192. Coke 2. Inſt. c. 29. p. 50. Sir J. M. *Arg. concerning the Juriſdiction of the Peers, in* Skinner's *Caſe.*

The latter Act, the ſame *Author* cannot deny *to be a binding Law*; but he hath a ſtrange fetch to avoid the force of it; *viz. that this Law was made with reſpect to the Caſe of* Roger Mortimer, 4 *Ed.* III. *and not to the Caſe of* Stratford *then in Agitation:* which is without all colour of Reaſon. For the Caſe then was of a different nature, *viz.* about the *Peers* trying thoſe who were not *Peers*, as Sir *Simon Bereford*, *&c.* but here the Caſe was, *whether Peers ſhould be tried by any others than their Peers*; *and the King granted they ſhould not.* Now upon this *Stratford* was allowed to be tried by his *Peers* in Parliament; and therefore this Trial upon theſe Acts is an invincible Argument of the *Peerage* of the *Biſhops.*

p. 193.

In 28 *H.* VI. when *William de la Pool*, Duke of *Suffolk*, waved being tried by his Peers, and ſubmitted to the King's Mercy; the Record ſaith, (as the Author of the Letter himſelf confeſſeth) that *Viſcount* Beaumont, *on the behalf of the Lords* Spiritual *and Temporal, and by their advice, aſſent and deſire*, moved the King, that *a Proteſtation might be enter'd in the Parliament Roll*, that *this ſhould not be, nor turn in prejudice nor derogation of them, their Heirs, nor of their Succeſſors in time coming*; *but that they may have and enjoy their Liberties and Freedoms as largely as ever their Anceſtors and Predeceſſors had or enjoy'd them before this time.* Which Sir *R. Cotton* more briefly expreſſeth, *n.* 52. *that neither they nor their Heirs ſhould by this example be barred of their Peerage.* The Author of the Letter more fully puts in *Succeſſors*, as well as *Heirs*; for this Proteſtation was made in behalf of the *Lords Spiritual* as well as Temporal. But very unfairly leaves out the moſt material Words in the Record, *viz.* [after *Freedoms*,] *in caſe of their Peerage.* And I appeal to the Author himſelf, whether theſe Words be not in the *Record*; and with what ingenuity they are left out, I cannot underſtand. I do not charge the Author of the Letter himſelf with this; but whoſoever ſearched the *Records* for him, hath dealt very unfaithfully with him. And I ſuppoſe, if he had ſeen this paſſage himſelf, he would never have ſo peremptorily denied the Peerage of the Biſhops; nor aſſerted with ſo much aſſurance, that they *are only to be tried by the Commoners, and that it was always ſo, and never otherwiſe.*

p. 47.

(2.) Sup-

(2.) Suppoſe the Biſhops have been tried by *Commoners out of Parliament*, this doth not take away their Right of Peerage in Parliament. For all our diſpute is, concerning the Right of their Peerage in Parliament; and if that be allowed, we are not to diſpute concerning the difference that in ſome reſpects may ariſe by Cuſtom, or Practice of Common Law, between Peers by Deſcent, and Peers by Tenure in Right of their Baronies. And therefore the Author of the Peerage of
p. 3, 4, &c. the Lords Spiritual might have ſpared all the needleſs pains he takes about this; for we do not contend that they have an Inheritable Peerage, but that they are Peers in Parliament, having a Right to ſit and judge there by virtue of their Baronies.

But from hence he undertakes to prove, *that by Magna Charta they*
p. 4. *cannot be Judges of ſuch who are ennobled in Blood.* This comes home to our preſent buſineſs, and therefore muſt be conſidered.

1. He ſaith, that he who had only a Prædial or Feudal, and not Perſonal, Peerage, *can have no Juriſdiction but ſuch as is ſuitable to the nature of his* Peerage; and therefore can only *extend to matters of property and poſſeſſion, and not to matters of blood.* But that this is a very trifling and ill-conſider'd Argument appears by this, that he grants a *Lord Keeper*, *Lord Privy Seal*, *Lord Treaſurer*, to be *Peers* by their *Offices*; for, as he ſpeaks, *after Regradation their Peerage is ended*; and he will not deny that theſe may ſit as *Judges* in Capital Caſes, although they be Peers only by their Offices. Thoſe that are Peers in Parliament
p. 5. have Right to judge in all Caſes that belong to the *Judicature* of Parliament.

2. He ſaith, that the *Reaſon* of *Magna Charta* is, that the Judges and Priſoner *may be under the ſame Circumſtances.* But this kind of arguing as well excludes a *Lord Keeper*, who is no Baron, as a *Biſhop*; and ſuppoſes that Mens Capacity for Judgment depends upon perfect equality of Circumſtances, whereas *Knowledge* and *Integrity* go farther towards conſtituting one that is a Peer but in one reſpect, a juſt Judge, than bare Inheritance of Honour can do. But to give a full Anſwer to this Argument, on which that Author lays ſo much weight, and challenges any Perſon, *to give a rational account wherein the Advantage of a Man's being tried by his Peers doth conſiſt*; I ſhall (1.) ſhew that this was not the Reaſon of *Trial by Peers*; (2.) give a brief account of the true and original Reaſon of it.

[1.] That this was not the Reaſon.

1. Not in the Judgment of the Peers themſelves, as that Author hath himſelf ſufficiently proved, when he takes ſo much pains to prove, *p.* 3. *that a Writ of Summons to Parliament doth not ennoble the Blood*; and conſequently, doth not put Perſons into equality of Circumſtances with thoſe *whoſe Blood is ennobled*; and yet he grants, *that thoſe who ſat in the Houſe of Peers by virtue of their Summons, did judge as Peers*; as is manifeſt from his own Precedents, *p.* 15. from the 4 *Ed.* 3. From whence it follows, that this was not thought to be the Reaſon by the Peers themſelves in Parliament.

2. That this was not the Reaſon in the Judgment of our greateſt Lawyers; becauſe they tell us, that where this Reaſon holds, yet it doth not make Men Judges. As for inſtance, *thoſe who are ennobled by Blood, if they* be not *Lords* of *Parliament*, are not to be Judges in the caſe of one ennobled by Blood. *Only a Lord of the Parliament*
2 *Inſt.* p. 48. *of* England, ſaith *Coke*, *ſhall be tried by his Peers being Lords of Parliament*;

ment ; and neither Noblemen of any other Country, nor others that are called Lords, and are no Lords of Parliament, are accounted Pares *Peers within this Statute.* Therefore the Parity is not of Blood, but of Privilege in Parliament.

3. The Practice it ſelf ſhews that this was not the Reaſon. For this Reaſon would equally hold, whether the Trial be at the King's Suit, or the Suit of the Party ; but in the latter caſe, as in *an Appeal for Murder*, a Man whoſe Blood is ennobled muſt be tried by thoſe whoſe Blood is not ennobled ; even by an ordinary Jury of 12 Men. And I deſire our Author to conſider what becomes of the inheritable quality of Blood in this Caſe, when Life and Fortune lies at the mercy of 12 Subſtantial Freeholders? who, it is likely, do not ſet ſuch a value upon Nobility as Noble-men themſelves do ; and yet our Law, which ſurely is not againſt *Magna Charta*, allows an *Ordinary Jury at the Suit of the* Party to ſit in Judgment upon the greateſt Noblemen. Therefore this Reaſon can ſignifie nothing againſt the Biſhops, who are Lords in Parliament, as I have already proved.

Coke 2 Inſtit. p. 49. Selden's *Titles of Honour*, 4to. p. 347.

[2.] I ſhall give a brief account of the true and original Reaſon of this Trial by Peers ; without which, that *Author* it ſeems is reſolved to conclude, *that the Juriſdiction of the Biſhops in Capital Caſes is an abuſe of Magna Charta, and a Violation offer'd to the Liberties of Engliſh Subjects.*

As to the general Reaſon of the Trial by Peers, it is eaſie to conceive it to have riſen from the care that was taken, to prevent any unfair Proceedings in what did concern the Lives and Fortunes of Men. From hence *Tacitus* obſerves of the old *Germans*, that *their Princes, who were choſen in their great Councils to do juſtice in the ſeveral Provinces, had ſome of the People joyned with them, both for Advice and Authority.* Theſe were Aſſeſſors to the Judges ; that Mens Lives and Fortunes might not depend on the pleaſure of one Man ; and they were choſen out of the Chief of the People, none but thoſe who were born free being capable of this Honour. In the latter times of the *German State*, before the ſubduing it by *Charlemaign*, ſome learned Men ſay, *their Judges were choſen out of the Colleges of Prieſts, eſpecially among the Saxons.* After their being conquer'd by him, there were 2 Courts of Judicature eſtabliſhed among them, as in other parts of the *German* Empire.

De Morib. Germ. c. 12.

H. Meibom. de Irmenſulâ ; c. 4.

1. One ordinary and popular, *viz.* by the *Comites*, or great Officers ſent by the Emperor into the ſeveral Diſtricts ; and the *Scabini*, who were Aſſiſtants to the other, and were generally choſen by the People. The number of theſe at firſt was uncertain ; but in the Capitulars they are required to be ſeven, who were always to aſſiſt the *Comes* in paſſing Judgments. But *Ludovicus Pius*, in his ſecond Capitular, *A. D.* 819. *c.* 2. enlarged their number to 12. And if they did not come along with him, they were to be choſen out of the moſt ſubſtantial *Free-holders* of the County ; for the Words are, *De melioribus illius Comitatûs ſuppleat numerum duodenarium.* This I take to be the true Original of our Juries. For our *Saxon* Laws were taken very much from the Laws of the Chriſtian Emperors of the *Caroline* Race, as I could at large prove, if it were not impertinent to our buſineſs ; and thence diſcover a great miſtake of our Lawyers, who make our ancient Laws and Cuſtoms peculiar to our ſelves. As in this very caſe of Trial by Peers, which was the common practice of theſe parts of the World. Therefore *Otto Friſingenſis* takes notice of it as an unuſual thing in *Hungary* ; *Nulla ſententia*

Otto Friſing. de geſtis Fred. *l.* 1. *c.* 31.

tentia à Principe, ſicut apud nos moris eſt, per pares ſuos expoſcitur——ſola ſed Principis voluntas apud omnes pro ratione habetur; that *they were not judged by their Peers, but by the Will of their Prince.* Which ſhews, that this way of Trial was looked on as the practice of the Empire, and as preventing the inconveniences of arbitrary Government. And it was eſtabliſhed in the Laws of the *Lombards*, and the Conſtitutions of *Sicily*. In the one it is ſaid to be *Judicium Parium*; in the other, *proborum virorum.* In the *Saxon* Laws of King *Ethelred* at *Wanting*, c. 4. *Twelve Free-men are appointed to be ſworn to do Juſtice among their Neighbours in every Hundred.* Thoſe in the Laws of *Alfred* are rather 12 Compurgators than Judges; however ſome make him the Author of the Trial by Peers in *England.* But by whomſoever it was brought into requeſt here, it was no other way of Trial, than what was ordinary in other parts of Europe; and was a great inſtance of the Moderation of the Government of the *Northern Kingdoms.*

Leg. Longobard. *l.* 3. tit. 8. §. 4.

Conſtit. Sicil. *l.* 1. tit. 44.

Alfred. vit. *l.* 2. *p.* 72.

2. There was an extraordinary or Royal Court of Judicature: and that either by way of Appeal, which was allowed from inferior Courts; or in the *Cauſes of Great Men*, which were reſerved to this Supream Court. In which either the King himſelf was preſent, or the *Comes Palatii*, who was *Lord High Steward*; and all the Great Perſons were Aſſeſſors to him. In ſuch a Court *Brunichildis* was condemned in *France*; and *Taſſilo* Duke of *Bavaria* in the Empire; and *Erneſtus*, and other Great Men, *A. D.* 861. and *Erchingerus* and *Bartoldus* under *Conradus*, the laſt of the *French Race.* And among the *Cauſes* expreſly reſerved for this *Supreme Court*, were thoſe which concerned the *Prelates* as well as the *Nobles. Ut Epiſcopi, Abbates, Comites, & potentiores quique, ſi cauſam inter ſe habuerint, ac ſe pacificare noluerint, ad noſtram jubeantur venire præſentiam: neque illorum contentio alicubi judicetur.* But in this Court they challenged that as their Privilege to be *tried by their Peers*; who were called *Pares Curiæ.* So the *Emperor Sigiſmund*, in his *Proteſtation* before the *States* of the *Empire*; *Cùm ſecundùm juris communis diſpoſitionem, nec non uſum, morem, ſtylum & conſuetudinem ſacri Romani Imperii, feudalis contentio per Dominum feudi, ac Pares Curiæ terminanda ſit*, &c. And again, *niſi Parium noſtræ Curiæ arbitrio.* So likewiſe in *France*, as *Tilius* ſaith, *Hæc judiciorum ratio, ut de cauſis feudalibus judicent Feudales Pares, in Gallia eſt perantiqua.* So in *Fulbertus* one *Count* ſends word to another, *that their Cauſe ſhould not be determin'd, niſi in Conventu Parium ſuorum.* And many other Examples might be produced; but theſe are ſufficient to make us underſtand the true Original of this Right of Peerage; which was from the *Feodal Laws*; and all thoſe who held of the ſame Lord, and by the ſame Tenure, were ſaid to be *Pares*, Peers. And therefore ſince the Biſhops in *England* were Barons by Tenure ever ſince *William* I. by conſequence they were *Peers* to other *Barons*; and had the ſame original *Right* of *Trial* by other *Barons* as their *Peers*, holding by the *ſame Tenure*, and ſitting in the *ſame Court.* And thus I hope I have given (what that Author ſo impatiently deſired, *viz.*) *a rational account of the Trial by Peers*; and have thereby ſhewed, that this is ſo far from being any diſadvantage to the *Biſhops* Cauſe, that it adds very much to the Juſtice of it.

Aimoin. *l.* 4. *c.* 1. Rhegin. *l.* 2.

Capit. *l.* 3. *c.* 77.

Sigiſm. Orat. A. D. 1434.

Tilius de rebus Gallicis.

Fulbert, *ep.* 96.

And that this is ſo far from being *a violation of Magna Charta*, that it is within the intention and meaning of it, I thus prove. In the 14. ch. of *Magna Charta* we read, *Comites & Barones non amercientur niſi per Pares ſuos:* but by the Common Law the Amerciament of a *Biſhop* is the

the ſame with that of a *Lay-Baron*; and therefore in the ſenſe of the Law, they are looked on as Peers. And all the *Parlamentary Barons*, whether *Biſhops* os *Abbots*, were amerced as *Barons*. Thence 15 *Ed.* 2. a Writ was directed to the Juſtice of the Common Pleas, that they ſhould not amerce the *Abbot* of *Crowland tanquam Baro*, becauſe he did not hold *per Baroniam aut partem Baroniæ*. And it is confeſſed by the moſt learned Lawyers, that the *Lords Spiritual do enjoy* the ſame *legal Privileges*, in other reſpects, which the Temporal Barons do; as in *real Actions to have a Knight returned in their Jury*; *as to a day of Grace*; *hunting in the King's Foreſt*; *Scandalum Magnatum*, &c. Now ſince the Law of *England* allows only a *double Party*, *viz.* as *to Lords of Parliament*, and *Commons*, whether Knights, Eſquires, Gentlemen, or Yeomen, without any Conſideration of the great inequality of Circumſtances among them; (*Yeomen* having as little ſenſe of *Gentility*, as *Commons* can have of the Privileges of *Nobles*;) it is apparent that this *Trial by Peers* was not founded upon *equality of Circumſtances*; and that in all reaſon, thoſe who do enjoy the *legal Privileges of Peers*, are to be looked on as ſuch by *Magna Charta*.

Clauſ. 15. E. m. 12.

Selden *of* Baron. *p.* 152.

Titles of Hon. 4. *to p.* 347.

But the great Objection is, *that the Lawyers are of another Opinion, as to this Trial by Peers*; *and not only the common ſort*, who take all upon Truſt, which they find in the modern Law-Books, but *thoſe who have ſearched moſt into Antiquity, ſuch as* Mr. Selden *and Sir* Ed. Coke.

To this therefore I anſwer,

1. The *Author of the Peerage, &c.* proves *the Biſhops are not Peers, becauſe not to be tried by Peers.* This conſequence Mr. *Selden* utterly denies; for he ſaith, *it is true and plain that the Biſhops have been Peers.* For which he quotes *the Biſhop of Wincheſter's Caſe, who was queſtion'd in the King's Bench for leaving the Parliament at Salisbury in the beginning of Ed.* III. *and he pleaded to the declaration*, quod ipſe eſt unus è Paribus Regni, *that he was one of the Peers of the Realm*; which, he ſaith, *was allowed in Court.* And from other *Book-caſes* and *Parliament-Rolls* he there evidently proves, that the *Biſhops* were *Peers*; which he not only aſſerts in that confuſed *Rhapſody*, which went abroad under his name; but in his elaborate Work of the laſt Edition of his *Titles of Honour*, in which he corrected and left out the falſe or doubtful paſſages of his firſt Edition. And among the reſt, that paſſage wherein this *Author* triumphs, *A Biſhop ſhall not be tried by Peers in Capital Crimes.* The ſame thing I confeſs is ſaid in the *Privileges of the Baronage*; which he there calls *a point of Common Law as it is diſtinguiſhed from Acts of Parliament*; i. e. *the cuſtom and practice hath been ſo.* And the only evaſion he hath for *Magna Charta* is this; *that it is now to be interpreted according to the current-practice, and not by the literal interpretation of the Words.* Which is an admirable anſwer, if one well conſiders it, and juſtifies all violations of *Magna Charta*, if once they obtain and grow into *Cuſtom*. For then, no matter for the expreſs Words of *Magna Charta*, if the contrary practice hath been received and allowed in legal Proceedings. This is to do by *Magna Charta*, as the Papiſts do by the *Scriptures*, *viz.* make it a *meer Noſe of Wax*, and ſay, *it is to be interpreted according to the practice of the Church.*

p. 6.

Privil. of Baronage, p. 143.

Titles of Honour, Sect. Part. ch. 5. §. 32. *in Marg.*

p. 153.

2. Some things are affirmed about this matter with as great aſſurance as this is, which have not been the conſtant practice. *Coke* is poſitive, *that Biſhops are not to be tried by their Peers*; but ſo he is in the ſame page, *that a Nobleman cannot wave his Trial by his Peers, and put him-*

3. Inſt. *p.* 30.

himſelf upon the Trial of the Countrey: Whereas it is ſaid in the *Record*, 4 *Ed.* III. that *Thomas Lord Berkely*, *ponit ſe ſuper Patriam*, *puts himſelf upon his Countrey*, and was tried by a Jury of 12 Knights. And 28 *H.* VI. the Duke of *Suffolk* declined the Trial of his Peers, and ſubmitted to the King's Mercy. By which it appears, that this was a Privilege which was not to be denied them, if they challenged it; but, at leaſt before 15 *Ed.* III. they might wave it if they pleaſed, and after that too, if they were tried out of Parliament. For this *Trial by Peers* was intended for a Security againſt arbitrary Power in taking away Mens Lives; and therefore it was allowed *at the King's Suit*, but not *at the Suit of the Party*. But if Biſhops were tried out of Parliament, and did voluntarily decline the challenge of this Privilege, this is no argument at all againſt their *Right of Peerage*; and ſo I find ſome ſay it was in the Caſe of *Fiſher*, *Biſhop of Rocheſter*, in *H.* VIII's time; which is the great Precedent in the Law-Books.

Godwin. vit. Rich. Scroop Archiep. Eborac.

3. The method of Proceeding as to the *Trial of Biſhops* by *Common Juries*, while the *Pope's Power* continued in *England*, is not ſo clear, that any forcible Argument can be drawn from thence. Becauſe the *Biſhops* then looked on themſelves as having *no Peers* out of Parliament, in point of Judgment, but *Biſhops*. As in the famous Caſe of *Adam* Biſhop of *Hereford*, under *Ed.* II. who was reſcued from the King's Bench by his *Brethren* the *Biſhops*, becauſe they looked on his appearing there as a *Violation* of the *Liberties* of the *Church*. I do not go about to defend theſe Proceedings; but I am ſure the Author of the Peerage, *&c.* very much miſrepreſents this buſineſs; for he makes it as if the Biſhops were *legally convicted in Court by a common Jury*, and that *after conviction he was deliver'd to the Archbiſhop*, *to the intent*, as he ſuppoſes, *that he ſhould be degraded*. Whereas, in truth, the Biſhops carried him out of the Court, without his giving any Anſwer to the Indictment; and when he was abſent, the *King* commanded the *Jury* to bring in their Verdict; and without ever being heard to make any Defence for himſelf, they found him *guilty* in all the Articles laid to his Charge. That *Author* very freely beſtows the terms of *Impudence* on the Biſhops of that time, and *Ignorance* on thoſe who go about to defend them; but I deſire to know, whether of theſe two makes a Man thus miſrepreſent a matter of fact? For it was ſo far from being true, *that upon Conviction he was deliver'd to the Archbiſhop to be degraded*; that he never appeared in Court after, but continued under the Archbiſhop's care, till, after a while, he fully reconciled him to the King; notwithſtanding the Jury found him guilty of Treaſon. I deſire to be informed, whether we are to underſtand *Magna Charta* by ſuch a Trial as this? Whether he were *judged by his Peers*, I know not, but I am ſure he was not *by the Law of the Land*; which I think is as good a part of *Magna Charta* as the other. And *this*, our Hiſtorians tell us, *is the Firſt Inſtance of any Trial of this kind*, *of any Biſhop in England*; which hath too much of force and violence in it, to be a good Interpreter of *Magna Charta*.

p. 7.

Walſingh. *p.* 119.

Antiq. Cantuar. in Walt. Raynolds *p.* 215. ed. Han.

The *Second Precedent* is *verbatim* out of Mr. *Selden*, concerning *John de Iſle*, and *the Biſhop of Ely his Brother*; which concerns ſuch matters, wherein himſelf confeſſes the *Privilegium Clericale* was allowed; and the Record ſaith, *the Archbiſhop entring his plea*, *that he was to be deliver'd to him as a member of his Church*, *he was accordingly deliver'd*, after the Jury had given in their Verdict. Which ſhews, indeed, the good will that was then uſed, to take away even the *allowed Privileges* of the *Clergy* by com-

common Juries. And this is another ſtout Interpreter of *Magna Charta*, when *Bracton*, *Briton*, *Fleta*, *Stat. Weſt.* 1 *Articuli Cleri*, *c.* 15. are confeſſed, even by Sir *Edw. Coke*, to be ſo clear in the *Clergy*'s behalf in theſe matters. 2 Inſtit. *f.* 633. *&c.*

The *Third Precedent*, which is likewiſe out of the ſame Author, is of *Thomas Merks*, *Biſhop* of *Carliſle*; who, for his fidelity to *R.* II. and the true Heirs of the Crown, againſt the Uſurpation of *H.* IV. was found guilty of Treaſon by a *common Jury*. But Mr. *Selden* is ſo ingenuous as to take notice, that the Writ directed to the Juſtices had in it a *Non-obſtante* to a Statute lately made at *Weſtminſter*; *Licèt in Stat. apud Weſtm. nuper edito inter cætera continetur, quòd nullus Archiep. nec Epiſcopus coram Juſticiariis noſtris occaſione alicujus criminis impetatur, abſque ſpeciali præcepto noſtro, quouſque*, &c. Which was read in Court: But the Judges urging, *That the Liberties of the Church did not extend to High-Treaſon*, then it is ſaid he did *ponere ſe ſuper Patriam*; juſt as *Thomas Lord Berkely* did, 4 *Ed.* III. This is the only *Precedent* that proves that a Biſhop, before the time of *H.* VIII. did *put himſelf upon a common Jury*; and yet we find as good a *Precedent* of this ſort, concerning an allowed Peer of the Realm. And whether this ſingle *Precedent* be ſufficient to interpret *Magna Charta*, againſt the plain Senſe of theſe Words, and to make a *conſtant Practice*, I leave any rational Man to judge.

But if this were yielded in Caſes of High-Treaſon, wherein the Privilege of Clergy holds not, (eſpecially ſince the *Statutes* 25 *Ed.* III. *c.* 4. and 4 *H.* IV. *c.* 2, 3.) Mr. *Selden* tells them, that there is no conſequence from hence, becauſe *they are not to be tried by Peers, therefore they are not Peers*; ſince the Common Law may limit this *Privilege* of *Peers* in one particular Caſe, which may hold in all others. As it is no diminution to the *Peerage* of the *Temporal Lords* to be tried by a *common Jury at the Suit of the Party*. I conclude the Anſwer to this Argument, as Mr. *Camden* doth his Diſcourſe about this Subject; who having proved that the Biſhops do enjoy all other Privileges of Peers, except this of being tried by them, (which he ſeems to attribute to a kind of Revenge upon them, for pleading ſuch Exemptions by the *Canon-Law*.) After all, he *leaves it to the Lawyers to determine, whether this be* juris explorati. The meaning of which I am ſure is not, as the *Author* of the *Letter* expreſſeth it, *that it was always ſo, and never otherwiſe.* Camden. Brit. *p.* 123.

But the great difficulty to ſome is, *That a Prædial or Feudal Barony doth not ennoble the Blood, and therefore can give no Right of Peerage.* Whereas it is well known, that all the Baronies of *England* were ſuch from the *Conqueror*'s time till after the *Barons Wars*, when, for Reaſon of State, it was thought neceſſary to make the Nobility more dependant on the Crown. And all that were *Barons* were *Pares*, i. e. *Peers*. So *du Freſne* quotes an old Poem of the *Common Laws of* England,

Barons nous appellons les Piers del Realm.

In *France*, from whence our Baronies firſt came, *Eccleſiaſtical* Perſons with *prædial Baronies* are thought as capable of *Peerage* as any. For, there at firſt all the *Barones Regni* (who both in *France* and *England* were the ſame with the *Barones Regis*, however ſome of late have diſtinguiſhed them) ſate in the great Council, and all publick Affairs paſſed through them, and they were judged by their own Order; and theſe were called *Pares Regni*, among whom the *Biſhops* were comprehended. At laſt *Lewis* VII. *A. D.* 1179. (as moſt Authors agree) choſe Twelve out of the great number of the *Peers* of *France*, of which half Gloſſar. v. Pares.

the number were *Biſhops* who held *Feudal Baronies* of the *King*; and the *Archbiſhop* of *Rheims* is the firſt of the whole Number. And becauſe theſe enjoyed greater Privileges than other *Peers*, their number was increaſed by particular *Favour*, but the ancient *Right* of *Peerage* remained to all the *Barons* of the *Realm*. In *Scotland*, when they appointed *Twelve Peers* for the *King's Council*, they were 4 *Biſhops*, 4 *Earls*, 4 *Barons*. So that in the neighbour Nations *Feodal Baronies* were never thought inconſiſtent with *Peerage*; and we have as little Reaſon to think them ſo with us, ſince to this Day the *Biſhops* do enjoy not only the great Right of *Peerage*, of ſitting and voting in the Houſe of Peers, but have ſome perſonal Privileges of *Peers* allowed them by the *Common Law*, as is already ſhewed.

Walſingh. ad A. D. 1296. Mat. Weſt. A. 1295.

II. The *laſt* thing to be conſidered is, the *Capacity* in which they ſit in the *Houſe*, whether as a *Third Eſtate* or not? The *Author* of the *Letter* not only denies it, but oppoſes it with great Vehemency, and offers many *Authorities* and *Reaſons* againſt it. All which muſt be weigh'd with the ſame Calmneſs and Impartiality which hath been hitherto uſed in this Diſcourſe. And there are three things to be diſtinctly handled for the clearing of this Matter: 1. His *Foundation*. 2. His *Authorities*. 3. His *Reaſons*.

P. 93. (1.) His *Foundation* whereupon he builds, which is, *That the Biſhops ſit in the Houſe only in the Capacity of Temporal Barons*, William *the Conqueror having brought the Temporalties of Biſhops under the Condition of Baronies*. That they do ſit there in the *Right* of their *Baronies*, was yielded at firſt; but whether they ſit there only in that Capacity, is the thing in Queſtion.

And here I crave leave to make uſe of this *Author*'s diſtinction, and to apply it to this purpoſe, *viz. of the Biſhops ſitting in the Houſe in a Judicial way, and in the Legiſlative way*. When they ſit *in the Judicial way*, as *Members of the Supreme Court of Judicature*, I grant that they ſit only in the *Capacity* of *Temporal Barons*, as appears by the *Conſtitution* of *Clarendon*; where the King requires their Attendance in *Judicature* as his *Barons*: But that in the *Legiſlative way* they have a further Capacity, as repreſenting a *Third Eſtate* in *Parliament*, I prove by theſe Arguments.

[1.] During the Vacancy of *Biſhopricks*, *Writs* were ſent to the *Guardians* of the *Spiritualties*, to attend the *Parliament*. Which Mr. *Selden*, who cannot be ſuſpected for partiality in this matter, ſaith *is obvious in the Rolls of Parliament*; and which he cannot deny to be an evidence *of the Biſhops ſitting in Parliament as Biſhops, and as Spiritual only, as they did in the Saxon times*, in the *Wittena gemot*. So likewiſe, *the Vicars General* had *Writs* when the *Biſhops* were beyond Sea. But neither of theſe could ſit in Parliament as *Temporal Barons*.

Titles of Honour, p. 2. ch. 5. n. 17. 23.

But becauſe ſo much depends on the Proof of this, and no Man hath yet undertaken it, I ſhall bring clear Teſtimonies of the conſtant Practice of it, from the *Records* of the Tower.

24 *Edw.* I. Writs were directed *Cuſtodi Archiepiſcopatûs Eborum, ſede vacante; & Electo Menevenſi, vel ejus vices gerenti, ipſo agente in partibus tranſmarinis.*

27 *Ed.* I. *Cuſtodibus Epiſcop. Lincoln. ſede vacante; & Capitulo Eccleſ. B. P. Eborum, Cuſtodibus Spiritual. ejuſdem Dioceſ. ſede vacante.*

5 *Ed.* II. *Vicario generali Archiep. Eborum, ipſo Archiepiſcopo in remotis agente.*

6 *Ed.*

6 *Ed.* II. *Cuſtodi Archiepiſcopatûs Cantuar. ſede vacante.*

7 *Ed.* II To the ſame, *& Cuſtodi Epiſcop. London. ſede vacante.*

1 *Ed.* III. *Cuſtodi Spiritualitatis Archiep. Cantuar. ſede vacante:* and twice the ſame 2 *Ed.* III.

7 *Ed* III. *Rex dilecto ſibi in Chriſto Priori Eccleſ. Chriſti Cantuar. Cuſtodi Spiritualit. Archiep. Cantuar. ſede vacante.*

10 *Ed.* III. *Cuſtodi Spirit. Epiſcop. Norwic. ſede vacante.*

11 *Ed.* III. *Cuſtodi Spirit. Epiſcop. Ciceſter. ſede vacante; & H. Epiſcop. Lincoln. vel ejus Vicario generali, ipſo Epiſcopo in remotis agente.*

12 *Ed.* III. A more general Writ to the Archbiſh. *&c. vel Vicariis veſtris generalibus, vobis in partibus tranſmarinis agentibus.*

14 *Ed.* III. *T. Epiſcop. Hereford. vel ejus Vicario generali, ipſo Epiſcopo in remotis agente.*

20 *Ed.* III. *Cuſtodi Spiritualit. Epiſcop. Aſſaphenſis,* &c.

The like we find 20 *E.* (3.) 34. 36. 38. 44. 5 *R.* (2.) 6. 7. 9. 10. 12. 13. 18. 20. 7. *H.* (4.) 8. 2 *H.* (5.) 3. 4. 5. 7. 8. 9. 2 *H.* (6.) 4. 5. 9. 10. 11. 15. 18. 20. 25. 29. 12 *Edw.* 4. In all theſe years, there are Writs directed, either to the *Guardians* of the *Spiritualties* in the *Vacancies* of the *Sees*, or to the *Vicars-general* or *Chancellours* in their abſence beyond the Seas. Which are ſufficient to prove this to have been the conſtant Practice of *Parliaments* in thoſe times.

[2.] Some *Church-men* were ſummon'd to *Parliament* who could have no pretence to ſit there as *Temporal Barons*. For 49 *H.* III. the *Deans* of *York*, *Exeter*, *Wells*, *Salisbury* and *Lincoln* were ſummon'd with the like Writ as the reſt. And Mr. *Selden* obſerves, that in the times of *Edw.* I. *Edw.* II. *Edw.* III. where the Clauſe *Præmunientes* is omitted in the Writ to the Biſhops, their particular and ſeveral Writs were ſent to ſome *Deans* and *Priors* of *Cathedral Churches*, to appear in *Parliament*. Ib. *n.* 22.

But to prove more fully the intereſt the *Clergy* had then in *Parliaments*, it is worth our obſerving, that in the ancient *Records* there are 4 ſeveral ſorts of *Writs* wherein the *Clergy* were concerned.

1. In the common *Writs* of *Summons* to *Parliament* ſent to the *Archbiſhops* and *Biſhops*, with the *Clauſe* of *Præmunientes*, which runs thus; *Præmunientes Priorem & Capitulum*, or *Decan. & Capit. Eccleſiæ veſtræ, Archidiaconos, totumque Clerum veſtræ Dioceſ. facientes, quod idem Prior & Archidiaconi in propriis perſonis ſuis, ac dictum Capitulum per unum, idemque Clerus per duos Procuratores idoneos, plenam & ſufficientem poteſtatem ab ipſis Capitulo & Clero habentes, prædictis die & loco interſint, ad conſentiendum hiis quæ tunc ibidem de communi conſilio ipſius Regni noſtri, divina favente Clementia, contigerint ordinari.* So Mr. *Selden* repreſents it from the 50 *Edw.* III. *member.* 6. And with him Sir *Edw. Coke* agrees; who ſaith, *by this Clauſe in the Writ of Summons to the Biſhops, they are required to ſummon theſe perſons to appear perſonally at the Parliament:* But he proves *they had no Voices there, becauſe they had required only* ad conſentiendum, *&c.* Which is a very weak argument. For, (1.) His own great *Authority*, *Modus tenendi Parlamentum*, ſaith expreſly, *they were called* ad tractand. & deliberand. *and that their names were called over in the beginning of Parliament; and that they had a voice there, and did make up part of the Commons of England.* Not that the *Procuratores Cleri* did ſit together with them, after they had a Speaker of their own; of which I find no Precedent: But they ſate by themſelves, having a *Prolocutor* of their own; which is the very ſame name uſed Titles of Honour, p. 595. 4 Inſtit. p. 4.

uſed in the *Rolls* for the *Speaker* of the *Houſe* of *Commons*. (2.) Theſe words do not exclude them from being part of the *commune Concilium Regni*, but only ſhew, that their Conſent was required, according to the Cuſtom of that time. And 23 *Ed.* I. the *Clauſe* is more full, *ad tract and. ordinand. & faciend.* the like 24 *Ed.* I. But in 27 *Ed.* I. the words are, *ad faciend. & conſentiend.* (3.) The ſame argument would exclude the *Commons* from any *Voices:* for in 23 *Ed.* I. the *Writ* for chuſing Knights and Burgeſſes ran after the ſame manner; *ita quod dicti milites plenam & ſufficientem poteſtatem pro ſe & Commun' Comit' prædict' & dicti Cives & Burgenſes pro ſe & Communit' Civit' & Burg' tunc ibidem habeant, ad faciend' tunc quod de communi Concilio ordinabitur in præmiſſis.* Would any man be ſo unreaſonable to infer from hence, that the *Houſe* of *Commons* have no Votes? The ſame form is uſed 26 *Ed.* I. ——30 of the ſame. In 5 *Ed.* II. it is, *ad conſentiendum*, &c. 6 *Ed.* II. it is, *ad faciend. quod de communi Conſilio contigerit ordinari.* 7 *Ed.* II. *ad faciendum & conſentiend.* and ſo it continued to the 26 *Ed.* III. when firſt came in, *ad tract and. conſulend. faciend.* but 44 *Ed.* I. it was only, *ad conſulend. & conſentiend.* 46 *Ed.* III. it was, *ad faciendum & conſentiendum his quæ tunc de communi Conſilio Regni contigerit ordinari:* ſo 47 *Edw.* III. Which hath been the general form, ever ſince obſerved, and would exclude the *Houſe* of *Commons* from any *Votes* in *Parlament*, as well as the *Clergy*.

2. There were other *Writs* of *Summons* to *Parliament* wherein the *Clauſe Præmunientes* was left out; and then particular Writs were ſent to ſuch *Deans* and *dignified Clergy-men* as the *King* thought fit. So it was not only 49 *H.* III. but there were two Summons 23 *Ed.* I. and in one of them the Clauſe *Præmunientes* was inſerted, in the other not. It was left out 25 *Ed.* I. and in one 27 *Ed.* I. and put in in another, and left out again 28. and 30. of *Ed.* I. Inſerted 1 *Ed.* II. in one *Writ*, and omitted in others; and ſo in the 3 following years: But afterwards generally inſerted, except 6 *Ed.* II. 13. 16. 18. In 5 *Ed.* III. it was omitted, and ſo in 6. and ſome few years afterwards: But then it generally obtained, that the Clauſe *Præmunientes* was put into the *Writs* of the Biſhops Summons to the Parliament.

3. There were *Writs* of *Summons* to *great Councils*, which were no *Aſſemblies* of the *Eſtates*; and then only ſome great *Biſhops* and Lords, or other Great Men were ſummon'd, without any Writs to others, or any notice taken of them. In ſuch a Summons 2 *Ed.* II. only 4 *Biſhops* are named; 18 *Ed.* II. only 6; 19 only 5; 2 *Ed.* III. only 2. and the *Guardians* of the *Spiritualties* of the *See* of *Canterbury:* and ſo 4 *Ed.* III. and in another the ſame year, 3 beſides the *Archbiſhop* of *Canterbury*. 5 *Ed.* III. Summons were ſent to the *Archbiſhop* of *York*, and 19 *Biſhops* more. 11 *Ed.* III. the Writ was directed to the *Archbiſhop of York, and ſuch Biſhops, Earls, and Great Men as were of the King's Council:* And two more were ſummon'd the ſame year. The form of the Writ differs little from that to the Parliament, only the Clauſe *Præmunientes* is always left out, and only ſome particular Biſhops and Nobles are called, and no Writs for Elections of Knights or Burgeſſes. In the 16 *Ed.* III. the Writ is ſent to the *Archbiſhop* and 7 *Biſhops* more; but none to *Abbots*, *Priors*, *Sheriffs*, *&c.* Which ſhews that this was *Magnum Concilium*, as it is ſometimes called, but no *Parliament*.

4. There were *Writs* to ſummon a *Convocation* diſtinct from the *Writ* of *Summons* to the *Parliament* with the Clauſe *Præmunientes*. This will appear

appear by the firſt *Writ* of *Summons* to a *Convocation*, which I have ſeen; which bears date at *Lincoln* 17 *Feb.* 9. *Ed.* II. but the *Parliament* was ſummon'd 16. of *October* before, to meet at *Lincoln in quindenâ* S. *Hilarii*; with the Clauſe *Præmunientes* in the Writ to the *Biſhops*. In which Summons to *Convocation* it is expreſſed, that *thoſe Biſhops and others of the Clergy, who were ſummon'd to Parliament, did, as far as they were concern'd, unanimouſly yield to a Subſidy; but ſo, that others of the Clergy who were not ſummon'd to Parliament ſhould meet in Convocation, and conſent thereto. Therefore the King ſends his Writ to the Archbiſhop to ſummon all the Prelates, whether Religious or others, and others of the Clergy of his Province, to meet at* London *poſt* 15. *Paſch. ad tractand. & conſentiend.* &c. Here we have the plain difference between the *Writs* to *Parliament*, and to *Convocation*. The *Writs* to the *Parliament* were ſent to the *Archbiſhops* and all the *Biſhops*, with the clauſe *Præmunientes*, &c. ſummoning thoſe of the Clergy who were then thought neceſſary to the *Aſſembly of the three Eſtates in Parliament:* But when a *Convocation* was called, then the *Writs* were only directed to the *two Archbiſhops*, who were to ſummon the reſt of the Clergy, and not only thoſe who held by *Baronies*, but others of the dignified Clergy, *tam exemptos quàm non exemptos*, with the *Proctors of the Chapters and Clergy of the Dioceſe*, ad tractand' & conſulend' ſuper præmiſſis una vobiſcum & aliis per Nos tunc mittendis. So it is expreſſed in the *Writ* for *Convocation* 11 *Ed.* III. 29 *Ed.* III. 31 *Ed.* III. 7 *R.* II. 28 *H.* VI. 23 *Ed.* IV. only theſe two laſt have this difference, *ad tractand', conſentiend', conclud' ſuper præmiſſis, & aliis quæ ſibi clarius exponentur tunc ibidem ex parte noſtra.*

Theſe things I have laid together, not barely to clear this intricate matter, (as it hath been made) of the intereſt the *Clergy* then had in *Parliaments* as well as *Convocation*; but chiefly to prove from hence, that all the intereſt they had in *Parliaments* was not meerly on the account of the *Temporal Baronies* which the *Biſhops* and many of the *Abbots* then had. Which is the great, but common miſtake of the *Author* of the *Letter*.

[3.] After the *Biſhopricks* were made *Baronies*, the diſtinction even in *Parliament* is kept up between the ſeveral *Eſtates* of the *Clergy* and *Laity*. For although *Baronagium* doth often taken in all; yet ſometimes they are ſo remarkably diſtinguiſhed, that we may ſee they were looked on as two diſtinct Eſtates in *Parliament*. So *Eadmerus*, (ſpeaking of what paſſed in *Parliament* 3 *H.* I.) ſaith it was done *utriuſque Ordinis concordi curâ & ſolicitudine, by the conſent of both Eſtates.* So *Matt. Paris*, ſpeaking of the Summons to appear in the beginning of *H.* I. comprehends all under thoſe 2 Eſtates, *Clerus Angliæ, & Pop. univerſus:* And again, *Reſpondente Clero, & Magnatibus cunctis.* Speaking of a *Parliament* under *H.* II. he ſaith, *Convocato Clero Regni, ac Populo.* In 39 *H.* III. deſcribing a *Parliament*, he calls thoſe aſſembled *Nobiles Angliæ, tam viri Eccleſiaſtici quàm Seculares.* And in the Writs of *Summons* the diſtinction hath been always preſerved between the *Prælati* and the *Magnates:* For in thoſe to the *Biſhops* it is, *cum cæteris Prælatis, Magnatibus*, &c. in thoſe to the *Temporal Lords*, *cum Prælatis, Magnatibus*, &c. In thoſe to the *Biſhops* they were commanded, *in Fide & Dilectione quibus nobis tenemini:* in thoſe to the *Temporal Lords*, *in Fide & Homagio*; or, ſince *Ed.* III. *in Fide & Ligeancia.* Which ſhews that they were not ſummon'd meerly as *Temporal Barons.*

Eadmer. *l.* p. 67. Matt. Paris p. 55. p. 14.

[4.] The

p. 86. [4.] The Author of *the Letter* confeſſeth, *the Clergy to be one of the three Eſtates of the Kingdom*; but denies them to be *one of the three Eſtates in Parliament*. From whence I argue thus, Either the Clergy muſt be repreſented in Parliament, or one of the *Eſtates of the Kingdom* is not at all repreſented there. And if one of the *Eſtates of the Kingdom* be not there repreſented, how can it be a perfect Repreſentative? So that this diſtinction of the *Three Eſtates of the Kingdom*, and the *Three Eſtates in Parliament*, unavoidably overthrows the Parliaments being a compleat Repreſentative. But in 23 *H.* VIII. *n.* 33. as Mr. *Petyt* obſerves, there is this paſſage in the Parliament Rolls. *It is conſidered and declared by the whole Body of this Realm, now repreſented by all the Eſtates of the ſame aſſembled in this preſent Parliament.* Therefore *all the Eſtates of the Kingdom* muſt be repreſented in Parliament. And 1 *Eliz. c.* 3. *The Lords Spiritual and Temporal, and the Commons* are ſaid to *repreſent in Parliament the Three Eſtates of the Realm.* From whence it follows, that, according to the ſenſe of the Parliament, if the Clergy be an Eſtate of the Kingdom, as he ſaith they are, they muſt be repreſented in Parliament, or the whole Body of the Realm cannot be there repreſented.

The ancient Right of the Commons, p. 61.

(2.) We now come to conſider the weight of *Authority* in this matter. For which I ſhall premiſe two things.

1. That the whole Parliament aſſembled are the beſt Judges, which are the *Three Eſtates in Parliament*; and their *Authority* is more to be valued, than that of any particular Perſons, whether *Lawyers* or others.

2. That no *Parliaments* can give better Teſtimony in this matter, than thoſe which have aſſumed moſt to themſelves. For if there be *Three Eſtates in Parliament*, and the *Biſhops* be none, then the *King* muſt be *One* of the *Three*; as the *Author* of the *Letter* inſinuates, throughout this Diſcourſe; and the natural conſequence from hence ſeems to be a *coordination*; or that two joyning together may over-rule the third. Therefore in all Reaſon, if any *Parliaments* would have made the *King* one of the *Three Eſtates*, it would have been either the *Parliameat* 1 *H.* IV. which depoſed one *King*, and ſet up another; or that 1 *R.* III. which diſinherited the Children of *Ed.* IV. and ſet up their Uncle.

I ſhall therefore firſt from the *Rolls* of theſe two *Parliaments* ſhew, which are the *Three Eſtates in Parliament*; and from them, evidently prove that the *King* is none, but the *Biſhops* are the *Third Eſtate.*

I begin with the Parliament 1 *H.* IV. by the *Rolls* it appears, (1.) That *R.* II. appointed two Procurators to declare his Reſignation of the Crown, *coram omnibus Statibus Regni, before all the States of the Kingdom.* From whence it unavoidably follows, 1. That the King was none of them; 2. That the Eſtates of the Kingdom, and the Eſtates in Parliament are the ſame thing. (2.) Among the Articles againſt *R.* II. one is concerning the Impeachment of *Tho. Archbiſhop* of *Canterbury*, coram Rege & omnibus Statibus Regni, *before the King and all the Eſtates of the Realm.* The King then was none of the Eſtates. (3.) The Commiſſioners for the Sentence of Depoſition are ſaid to be appointed *per Pares & Proceres Regni Angliæ Spirituales & Temporales, & ejuſdem Regni Communitates, omnes Status ejusdem Regni repræſentantes*; *by the Peers and Lords Spiritual and Temporal, and the Commons of the Kingdom, repreſenting all the States of the Kingdom.* Where obſerve, 1. The *Biſhops* are called Peers, as well as the *Temporal Lords.* 2. The *Eſtates* of the *Parliament* are *to repreſent all the Eſtates of the Kingdom.* 3. The *Three Eſtates in Parliament* are *the Lords Spiritual, the Lords Temporal, and the Commons of the Realm*; and

and *Fabian* expreſly calls them *the Three Eſtates of this preſent Parliament, repreſenting the whole Body of the Realm.* Fabian. 7. par. R. 2. fol. 158.

In the Rolls of Parliament 1 *R. III.* it is recorded, *that before his Coronation, certain Articles were delivered unto him in the name of the Three Eſtates of the Realm of* England; *that is to ſay, of the Lords Spiritual and Temporal, and of the Commons by Name*, &c. *Now foraſmuch as neither the ſaid Three Eſtates, neither the ſaid Perſons which in their name preſented and deliver'd (as it is aforeſaid) the ſaid Roll unto our ſaid Sovereign Lord the King, were aſſembled in form of Parliament, divers Doubts have been moved*, &c. Now by the ſaid *Three Eſtates aſſembled in this preſent* Parliament, *and by Authority of the ſame, be it ratified, and enrolled*, &c. Upon which Mr. *Pryn* himſelf makes this Marginal Note, *The Three Eſtates mu't concur to make a* Parliament; *no one or two of them being a full or real* Parliament, *but all conjoyned.* *Abridgment of Records, p. 710. 714.*

But leſt I ſhould ſeem to take advantage only of theſe *two Parliaments*, I ſhall now ſhew this to have been the conſtant ſenſe of the *Parliaments*; as will appear by theſe following *Records.*

In 1 *H. VI. n.* 12. *All the Eſtates of the Realm* are ſaid to be *aſſembled in* Parliament, 3 *H. VI. n.* 19. the Three Eſtates *aſſembled in this preſent* Parliament.

6 *H. VI. n.* 24. the Duke of *Glouceſter* deſired an explanation of his Power as Protector; in the Anſwer, drawn up by the Lords appointed for that purpoſe, it is alledged *that H. V. could not by his laſt Will, nor otherwiſe, alter, change, or abroge, without the Aſſent of the* Three Eſtates; *nor commit or grant, to any Perſon, Governance or Rule of this Land, longer than he lived.* Nevertheleſs they add, *It was adviſed and appointed by the Authority of the King, aſſenting the Three Eſtates of this Realm.* Which ſhews how far the King was from being thought one of the *Three Eſtates* in Parliament at that time.

10 *H. VI. n.* 17. *Ralph Lord Cromwell* put in a Petition to the Parliament, *that he was diſcharged the Office of King's Chamberlain in a way contray to the Articles for the Council ſworn*, 8 *H. VI.* coram tribus Regni Statibus, *before the Three Eſtates of the Realm*, as they were aſſembled in Parliament; which appears by the Record 8 *H. VI. n.* 27.

11 *H. VI. n.* 10. The Duke of *Bedford* appeared in Parliament, and declared the Reaſons of his coming *coram Domino Rege & tribus Regni Statibus, before the King and the Three Eſtates of the Realm*; as it is in the Record, but not mention'd in the Abridgment.

n. 11. Domino Rege & tribus Regni Statibus in præſenti Parlamento exiſtentibus, *the King and the Three Eſtates of the Realm being preſent in* Parliament. Nothing can be plainer, than that the King is none; and that the *Three Eſtates of the Kingdom* are the *Three Eſtates in Parliament.*

11 *H. VI. n.* 24. Lord *Cromwell Treaſurer* exhibits a Petition in Parliament, wherein he ſaith, *The Eſtate and Neceſſity of the King and of the Realm, have been notified to the* Three Eſtates of the Land aſſembled in Parliament.

In an Appendix annexed to the Rolls of Parliament that Year, the Duke of *Bedford* ſaith, in his Petition to the King, *how that in your laſt* Parliament *yit liked your Highneſs, by yadvis of* Three Eſtates of yis Land, *to will me.*

23 *H. VI.* 11. *Præſente Domino Rege & tribus Regni Statibus in præſenti Parlamento exiſtentibus*, &c.

28 *H. VI. n.* 9. *Domino Rege & tribus Regni Statibus in pleno Parlamento comparentibus*, &c.

p. 86. After theſe I ſhall inſiſt upon the Precedents cited by the Author of the *Letter* himſelf; *viz. the Ratification of the Peace with* France *by the* Three Eſtates 9 *H. V.* and 11 *H. VII.* which he alledges *as an extraordinary thing, that the Three Eſtates joyned in theſe Tranſactions*; whereas in truth it was nothing but a Ratification of the Peace in Parliament; and conſequently, thoſe *Three Eſtates of the Kingdom*, are *the Three Eſtates of* Parliament. For the Parliament was then ſitting at both theſe Ratifications; and no other Aſſembly of the *Three Eſtates* was ever known in *England*. *Walſingham* ſaith, that *H. V.* called *a* Parliament, *which was ſitting at that time*; for the King kept St. *George*'s Feaſt at *Windſor* that Year, from thence he went to the Parliament at *London*, which ended within a Month; and the ratification of the Peace bears date *May* 2. Judge then, whether theſe were not *the Three Eſtates in Parliament?* But to prove this more fully, it ſeems by 23 *H. VI. n.* 24. *that a Statute was made in the time of H. V. that no Peace ſhould be made with* France *without the conſent of the Three Eſtates of both Realms*; which was then repealed. But whom they meant by the *Three Eſtates* here in the time of *H. VI.* appears by 28 *H. VI. n.* 9. when the *Chancellor in the preſence of the King, gave thanks to the Three Eſtates, and prorogued the* Parliament; wherein it is plain, *the Three Eſtates in* Parliament were meant, and that the King could be none of them. In 38 *H.* VI. *n.* 38. *the Chancellor* again, *in the preſence of the King and of the Three Eſtates, having given thanks to all the Eſtates, diſſolved the Parliament.* But that which puts this matter out of doubt is, that in the Parliament 1 *H.* VI. the *Queen Dowager* in her Petition mentions the Ratification made in Parliament, 9 *H.* V. and ſaith, *it was not only ſworn by the King, but by the three Eſtates of the Kingdom of* England: *Ceſt aſſavoir, les Prelatz, Nobles, & Grands, & per les Comuns de meſm le Roialm D'engleterre*; that is to ſay, *by the Prelates, Nobles, and other Grandees, and by the Commons of the Realm of* England; as appears more fully, ſaith that Petition, by the *Records* and *Acts* of the ſaid Parliament. And the King there declares in four ſeveral Inſtruments, that the ſaid Articles of Peace were approved and ratified by Authority of *Parliament*, in theſe Words, *Qui quidem Pax, Tractatus, concluſio & concordia, omneſque Articuli contenti in eiſdem, in Parlamento dicti Patris noſtri apud Weſtm. 2° die Maii A. R. 9. tento, Auctoritate ejuſdem Parlamenti approbati, laudati, auctorizati & acceptati.* Nothing can be plainer from hence, than that the *Three Eſtates of the Kingdom* were no other than *the Three Eſtates in Parliament.* And the ſame appears by another Petition of the ſame *Queen*, 2 *H.* VI. *n.* 19.

Bacon, *H.* 7. *p.* 144. Hiſt. Angl. *p.* 404.

For latter Times I ſhall inſtance only in the Parliament 1 *Eliz. c.* 3. wherein the *Lords Spiritual and Temporal and Commons declare*, that they do repreſent in Parliament the Three Eſtates of the Realm. From whence it follows, 1. That the *Three Eſtates of the Kingdom* muſt be *repreſented* in *Parliament.* 2. That the *Lords Spiritual and Temporal, and the Commons* do repreſent *thoſe Three Eſtates of the Kingdom*, and therefore are the *Three Eſtates in Parliament.* 3. That the *King* can be none of the *Eſtates in Parliament*, becauſe he doth not *repreſent* any of *the Eſtates* of *the Kingdom.*

And it is a wonder to me, that any Man, who conſiders the Conſtitution of the Government of *Europe*, and how agreeable it was in all the Kingdoms of it, as to the Aſſemblies of the *Three Eſtates*, could ever take the King to be one of the *Three Eſtates in Parliament.* For the Queſtion would ſeem ridiculous to Perſons of any other Nation, if we

ſhould

ſhould ask them whether the *King* was reckon'd among the *tres Ordines Regni?* For by the *Three Eſtates* they all mean the *Three Ranks* of Men, the *Clergy*, *Nobility*, and *Commonalty*. But the *Author* of the *Letter* could not deny that *theſe were the three Eſtates of the Kingdom*; but he ſaith, *the Three Eſtates of Parliament are clean another thing*; which I may reaſonably ſuppoſe, is ſufficiently diſproved by the foregoing Diſcourſe. P. 88

But he quotes ſeveral *Authorities* for what he ſaith, which muſt now be examined, and will appear to be of no weight, if compared with the evidence already given on the other ſide.

The firſt *Authority* is of King *James*, *in his Speech at the Prorogation of the Parliament* 1605. wherein he ſaith, *The Parliament conſiſts of a Head and a Body; the King is the Head, the Body are the Members of the Parliament. This Body is ſubdivided into two parts, the Upper and the Lower Houſe. The Upper conſiſts of the Nobility and the Biſhops, the Lower of Knights and Burgeſſes.* The force of the Argument lies in King *James* his making the *Biſhops* but a *part of the Upper Houſe*: But that this doth not exclude their being a *Third Eſtate*, I prove by a parallel Inſtance. In 5 *H.* IV. the Biſhop of *London* being Chancellor compared *the Parliament to a Body*, as King *James* did; but he made the *Church* the *Right Hand*, the *Temporal Lords* the *Left Hand*, and the *Commonalty* the *other Members*; yet preſently after, he calls theſe *the ſeveral Eſtates which the King had called to Parliament.* But that the Biſhops ſitting in the *ſame Houſe with the Temporal Lords* doth not hinder their being a *diſtinct Eſtate*, will appear when we come to anſwer his *Reaſons*. And for King *James* his ſenſe as to this matter, we may fully underſtand it by this Paſſage in his *Advice to his Son. As the whole Subjects of our Country (by the ancient and fundamental policy of our Kingdom) are divided into Three Eſtates*, &c. Theſe Words are ſpoken of the *Kingdom* of *Scotland*, but the *ancient and fundamental policy* of that is the ſame with *England*; and he that believed *the Subjects made the Three Eſtates there*, could never believe the *King* to be one of them here. P. 98. Baſilic. Dor. *l.* 2. *p.* 159 of his Works.

The next *Authority* is of *King* Charles *I. in his Anſwer to the* 19 *Propoſitions*, June 2, 1642. *wherein he tells the two Houſes, that neither one Eſtate ſhould tranſact what is proper for two, nor two what is proper for three.* To which I anſwer, that the *Penner* of that *Anſwer* was ſo intent upon the main buſineſs, *viz. that the two Houſes could do nothing without the King*, that he did not go about to diſpute this matter with them, *whether the King were one of the Three Eſtates or not?* But taking their Suppoſition for granted, he ſhews that they could have no *Authority* to act without the *King's Concurrence*. But the unwary Conceſſions in that *Anſwer* were found of dangerous Conſequence afterwards, when the *King*'s Enemies framed the *Political Catechiſm* out of them, which is lately reprinted, no doubt, for the good of the People. P. 100.

In 2 *H.* 4. *n.* 33. he makes *the Houſe of Commons to declare to the King and Lords, That the Three Eſtates of the Parliament are the King, the Lords Spiritual and Temporal.* Whereas the Truth of that matter is this: A difference had happen'd in the *Houſe of Lords*, between the *Earl* of *Rutland* and *Lord Fitz-Walter*; whereupon the *Houſe of Commons* go up to the *King* and the *Lords*, and having, it ſeems, an *eloquent Speaker*, who ventured upon dangerous *Metaphors*, he makes bold with the *Similitude* of the *Trinity*, becauſe that would help him to perſwade them to *Unity*; but if he had left the *King* out, he might have been ſuſpe- P. 101.

&ted to have ſet up an *independant Power* in *the Three Eſtates*; therefore leſt he ſhould loſe his *Similitude*, (which goes a great way with an eloquent Man) he ſtrains another point, and draws the *King* into his *Trinity*. And is ſuch an Expreſſion to be mention'd in compariſon with the expreſs Declaration but the Year before, 1 *H.* IV. of both *Houſes* concerning the *Three Eſtates in Parliament?*

Next to this *Similitude*, that of *Stephen Gardiner* ought to be mention'd, *who compared Faith, Hope and Charity concurring to Juſtification, to the Concurrence of the Three Eſtates in Parliament*, i. e. *the King and two Houſes to the making of Laws.* But I wonder the *Author* of the *Letter*, who expreſſeth ſo much diſlike of his *Divinity*, would take his *Judgment* in *Politicks.* But this Notion of making the *King one of the Three Eſtates*, how valuable ſoever it be to ſome Men, is, it ſeems, only to be met with in ſome grave ancient *Similitudes.* But of what *Authority* theſe are againſt the conſtant Senſe of *Parliaments* ſo fully declared, I leave any Man of Underſtanding to judge.

P. 103. For the Judgment of *eminent Lawyers*, he quotes but one in King *James* his Time, *viz.* Finch, *in his Book of Law*, l. 2. ch. 1. *who doth indeed*, in the Words quoted by him, *make the King, Lords and Commons to be the Three Eſtates.* But I can hardly imagine how a *learned Lawyer* could fall into ſuch a groſs Miſtake, unleſs the *Modus tenendi Parlamentum* ſhould give occaſion to it; which was accounted *no blind MS.* in thoſe Days, but a very great Treaſure, as appears by Sir *E. Coke*, who cites it on all occaſions. And very few Lawyers had the Judgment in *Antiquity* which Mr. *Selden* had, who firſt diſcovered the juſt Age and Value of that *MS.* This *Author* indeed, towards the concluſion of his *Treatiſe*, makes the *King the firſt of the Eſtates*; but then he makes *Six Eſtates in Parliament*, or *Degrees*, as he calls them; and delivers this for good Doctrine at the very end of his Treatiſe, *That if any one of all theſe be ſummoned, and do not appear, yet* with him *it is notwithſtanding a full Parliament*; nay, he expreſly ſaith, *The King may hold a Parliament without a Houſe of Lords.* But there are ſo many other ſuch Poſitions diſcover d by others in that *Treatiſe*, that I need to ſay no more of it. And as to this point of the *King's being one of the Eſtates in Parliament*, Sir *Ed. Coke*, who otherwiſe too much admired that Treatiſe, declares againſt it in the very beginning of his *Treatiſe of the Parliament. This Court*, ſaith he, *conſiſteth of the King's Majeſty, ſitting there as in his Royal Politick Capacity, and of the Three Eſtates of the Realm*, viz. *of the Lords Spiritual, Archbiſhops and Biſhops, the Lords*
P. 86. *Temporal, and the Commons of the Realm.* And however the *Author* of the *Letter* may ſlight Mr. *Selden*'s Judgment in this matter; yet theſe two may be ſufficient to weigh down the *Scales* againſt any *one Lawyer*'s *Authority* to the contrary, eſpecially, ſince they were never ſuſpected, I dare ſay, for any *partiality* towards the *Clergy.*

(3.) But the *Author* of the *Letter* thinks to carry this Point by meer ſtrength of *Reaſon.* We muſt therefore diligently conſider the Force of his Arguments.

P. 89. 1. *If Biſhops were one of the Eſtates in Parliament, Reaſon would they ſhould vote by themſelves ſeparately from other Lords, which would make another Eſtate: But they do not only not vote apart by themſelves, the whole Body of them together; but that Body is divided and ſeparated within it ſelf, one part from another.* If both Houſes ever ſate together, as ſome imagine, (and as they do in a Neighbour Kingdom) this

this way of Reaſoning will make but *one Eſtate* in *Parliament* all that Time. But to give a clear Anſwer to this Objection; I diſtinguiſh two things in the *Biſhops*, their *Spiritual Capacity*, by which they *repreſent*; and their *Civil Capacity* as *Barons*, in which they *vote*, according to the Rules of the Houſe. For the manner of giving their *Votes* is a thing under the *Regulation* of the *Houſe*, and depends upon *Cuſtom*; but their *Spiritual Capacity* as *Biſhops*, in which they *repreſent*, doth not. And the Reaſon of their ſitting together with other Lords, is upon the account of their *Writs* of *Summons*; which, as Mr. *Selden* confeſſeth, ever ſince the latter end of *Edw.* III. hath been, for the *Biſhops cum cæteris Prælatis, Magnatibus & Proceribus, colloquium habere & tractatum*; and therefore they are bound *to ſit together* in the ſame place with the *Temporal Lords*, or elſe they cannot *adviſe and confer together*. And I leave the *Author* of the *Letter* to conſider, whether his *Reaſon* or the *King's Writ* ought to take place.

2. *If the Biſhops were a Third Eſtate, they muſt have a negative Voice to all that paſſeth there: but the Biſhops are intermingled with the Temporal Lords in making up the Majority, as a part of it.* P. 89. Since I have evidently proved the *Clergy* to be one of the *Three Eſtates in Parliament*, if he be ſure that every *Eſtate* ought to have a *negative Voice*, then I am ſure that this Objection lies more upon him to anſwer, than upon the *Biſhops*. But to prevent any new Diſputes, I ſhall return this Anſwer to it. Since it is agreed on both ſides, that the Biſhops do ſit in the *Houſe* as *Temporal Barons*, and in that reſpect do make up the *Majority of Votes* in the *Houſe of Lords*, it could not but ſeem unreaſonable, that they who voted *as Barons* in the *Houſe* ſhould have a *negative Voice* in *another Capacity*; and by this means they loſt their diſtinct *negative Voice*, becauſe by the *King's Writs* they were to ſit and vote with the *Temporal Lords*. Juſt as it is in the *Diets* of *Germany*: Since the diſtribution of that *Aſſembly of the Eſtates of the Empire* into the ſeveral *Chambers*, the *Prelates* vote according to their *Ranks*; the *Three Electors* in the *Electoral College*; the other *Biſhops*, that are *Princes* of the *Empire*, in the *Chamber* of *Princes*; and thoſe who are not *Princes*, with the *Counts* and *Barons*. So that here the *Votes* of the Biſhops are mingled with the reſt, without a *diſtinct negative Voice*, and yet no one queſtions but the Biſhops do repreſent a *diſtinct Eſtate* of the *Empire*.

3. *This is a Diſparagement to the Houſe of Lords, that another Eſtate muſt be joined with them to make up their Negative.* P. 90. No more than to the *Princes* of the *Empire* to have the *Biſhops* joined with them, when the *Imperial Cities* vote by themſelves. But what Diſparagement is this, for thoſe to make up the *Majority of the Votes* of the *Baronage*, who ſit there as *Barons* by *Tenure*, by a *Right* as ancient as *Will. the Conqueror*, by the *Author*'s own Confeſſion.

4. *If the Biſhops make a Third Eſtate, then a Parliament could not be held without them: but a Parliament hath ſate* excluſo Clero, *as that of* Ed. I. *and that it may do ſo in point of Law appears by the Reſolution of the Judges in* Keilway's *Reports, becauſe the Biſhops ſit in Parliament by reaſon of their Baronies.* P. 91. This is the great Objection, to which I ſhall give a full Anſwer.

[1.] It is dangerous arguing from *extraordinary Caſes*, to the excluding any one of the Eſtates of the Kingdom from being repreſented in Parliament; becauſe no one can tell where this way of arguing will ſtop. If a Parliament may be good without one Eſtate, why not without

out another? And we have ſeen an *Houſe* of *Lords* excluded as unneceſſary, upon ſuch kind of Arguments; *becauſe they ſit in their own Perſons, and repreſent none but themſelves.* If we once depart from the ancient and legal Conſtitution of *Parliaments*, there will be no end of Alterations. Every new Modeller of Government hath ſomething to offer that looks like Reaſon, at leaſt to thoſe whoſe intereſt it is to carry it on. And if no *precedents* can be found, then they appeal to a certain inviſible thing called *the Fundamental Contract of the Nation:* which being a thing no where to be found, may ſignifie what any one pleaſeth. Suppoſe one extraordinary caſe happens through the diſorder of Times, *that the Clergy have been left out in a Parliament*; what doth this ſignifie towards altering the *legal Conſtitution* and conſtant *Courſe* of *Parliaments*, which from the beginning of *Parliaments* in this Nation, have had the *Eſtate* of the *Clergy* repreſented in them? as ſufficiently appears by Mr. *Petyt*'s learned Preface to his late Diſ-
p. 7, &c. courſe of the *ancient Right of the Commons.* The firſt after *King Ethelbert*'s Converſion was, *Commune Concilium tam Cleri quam Populi.* That under *Ina* was, *omnium Epiſcoporum, & Principum, Procerum, Comitum, & omnium Sapientium, Seniorum & Populorum totius Regni.* That under *Edmund the elder* was, *Concilium magnum Epiſcoporum, Abbatum, Fidelium Procerum & Populorum.* I might add
Concil. Brit. p. 182. 189. 318. 327. 336. 340. 344. 428. 534. many more: as that at *Becanceld* under *King Withred A. D.* 694. *Epiſcopis*, &c. *Ducibus & Satrapis in unum glomeratis.* At *Cloveſhoo* under *Kenulphus* of *Mercia*; at *Calcyth*, at *London*, at *Kingſton.* Nay, not one can be found by me in the *Saxon* times, wherein the *Biſhops* are not expreſly mentiond. So that if there be ſuch a thing to be found as *the Fundamental Contract of the Nation* about the *Conſtitution* of *Parlaments*, I do not queſtion but they have their ſhare in it. Inſomuch that Sir *H. Spelman* makes it his deſcription of the *Wittena-Gemot*, that in it, as Mr. *Petyt* obſerves, *Convenêre Regni Principes, tam Epiſcopi quàm Magiſtratus, liberique homines*; i. e. *it was an Aſſembly of the three Eſtates.* So that before there were any ſuch things as *Baronies*, they were an *Eſſential part of the Engliſh Parliament.* And muſt all this clear and undoubted evidence from the firſt mention of *Parliaments* be rejected, becauſe once upon a time, a certain *King* called a certain *Parliament*, wherein, upon ſome Diſtaſt between the *King* and the *Clergy*, the other *Eſtates* continued ſitting without them?

[2.] This ſingle Inſtance about the *Parliament* under *Ed.* I. is much miſunderſtood, as will appear by theſe conſiderations.

1. That the *Clergy excluded themſelves* and were not ſhut out by the *Act* of the *King* and the other Eſtates. For upon the *Bull* of Pope *Boniface* VIII. forbidding the Clergy giving any more Subſidies (which was procured by *Archbiſhop Winchelſee*, as our Hiſtorians relate) a *Parliament* being called by *Ed.* I. at *Saint Edmondsbury* on purpoſe for *Subſidies*, *the Clergy refuſe, upon the Pope's prohibition, till they had conſulted the Court of* Rome; *and go away every one to their own homes:* notwithſtanding which, the King proceeds with the other *two Eſtates*, and gets *Subſidies from the Laity.* So that the *excluſion of the Clergy* came from their own *voluntary Act*; when the King deſired no ſuch thing, nor the other *two Eſtates*, but were all extremely provoked at this withdrawing of the Clergy. That this *Parliament* was called purpoſely for the *Subſidy*, appears by the *Writ* ſtill upon *Record*; wherein the Archbiſhop is ſummon'd to appear, *ad ordinandum de quantitate & modo ſubſidii memorati.*

2. Where-

2. Whereas it is inſinuated, *that great matters were done, and good Laws paſſed, when the Clergy were excluded*; I find no ſuch thing. It is true, the confirmation of *Magna Charta* by *Ed.* I. (which was a great thing indeed) is ſaid, in the *Statute-Books*, to be done *the ſame year, viz.* 25 *Ed.* I. But that it could not be done in that *Parliament*, I thus prove. That *Parliament* was called *craſt. Animarum*; the King appoints another at *London craſt. Hilarii:* where the difference ſtill continuing, he appoints a new *Parliament* on the day of S. *Peter ad Vincula*, or *Lammas-day*, wherein *he was reconciled to the Archbiſhop and Clergy.* Then *Fealty* is ſworn to his *Son*, before his going into *Flanders:* and the *King* excuſed himſelf as to the great *Taxes* and *Subſidies*, on the account of his *Wars.* While he was about *Winchelſea*, a *Remonſtrance* is ſent to him of the *Grievances of the Nation*, in the name of the *Archbiſhops, Biſhops, Earls, Barons, and the whole Commons of England*, wherein they complain of *illegal Taxes*, and *the breach of Magna Charta.* The *King* gives a dilatory anſwer, and paſſes over into *Flanders.* In his abſence the people refuſe to pay the *Taxes*, and the *Lords* combine together, and all things tend to an open *Rebellion.* His Son *Ed.* II. calls a *Parliament* at *London*, and promiſes a *Confirmation* of the *Charter, and that no Taxes ſhould hereafter be raiſed, either on Clergy or Laity, without their conſent.* Which being ſent over *Ed.* I. confirmed it with his *own Seal:* which was all done within the compaſs of this year. But he again ratified it in the *Parliament* 27 *Ed.* I. So that nothing was done in that *Parliament* at S. *Edmundsbury*, but *granting a* 12 *of the Laity to the King.* And when the great Laws were paſſed, the *King and Clergy were reconciled, and they ſate in Parliament.* And the *Archbiſhop* of *Canterbury* fell into the King's diſpleaſure afterwards, for being ſo active a promoter of them. The ſumm then of this mighty argument is, *that the Lords and Commons once granted their own Subſidies, without the concurrence of the Clergy*; therefore the *Clergy* are no *eſſential part* of the *Parliament.*

Clauſ. 24. Ed. 1. M. 7. dorſo.

Walſing. pag. 18. Thorn. ad A. 1296. Knighton p. 2491. Matt. Weſt. p. 428.

3. The Reaſon aſſigned in *Keilway*'s *Reports*, why the *King* may hold a *Parliament* without the *Biſhops*, is very inſufficient: *viz. becauſe they have no place in Parliament by reaſon of their Spiritualty, but by Reaſon of their Temporal poſſeſſions.* The inſufficiency of which reaſon will appear by two things.

1. That it is not true: as appears by this, that the Clergy are *one of the Eſtates* of the *Kingdom*; and all the *Eſtates* of the *Kingdom* muſt be repreſented in Parliament.

2. Were it true, it is no good Reaſon. For why may they be excluded *becauſe they ſit on the account of their Baronies?* Where lies the force of this Reaſon? Is it becauſe there will be Number enough without them? That was the *Rump*'s Argument againſt the *Secluded Members.* And I hope the *Author* of the *Letter* will not juſtifie their Cauſe. Or is it becauſe they hold their *Baronies* by *Tenure?* ſo did all the ancient *Barons* of *England:* and why may the King hold his *Parliament* with the other *Barons*, without the *Biſhops*; and not as well with the *Biſhops*, without the other *Barons?* Which I do not ſee how it can be anſwer'd upon thoſe grounds. Suppoſe the queſtion had been thus put, ſince all the ancient *Lords of Parliament* were *Barons* by *Tenure*, and *Parliaments* were held for many Ages without any *Barons* by *Patent* or by *Writ*, why may not the *King* hold his Parliament after the ancient way, only with *Barons* by *Tenure?* I do not ſee, but as good a Rea-

Reaſon may be given for this, as that in *Keilway*'s *Reports*. All that I plead for is, that our good, ancient and Legal Conſtitution of *Parliament* may not be changed for the ſake of any ſingle Precedents, and rare Caſes, and obſcure Reports built upon weak and inſufficient
p. 68. Reaſons. For, as the Author of the *Letter* very well ſaith, *Conſuetudo Parlamenti eſt Lex Parlamenti*, *The conſtant Practice of Parliaments* (and not one ſingle Inſtance) *is the Law of Parliaments*. And ſuppoſe that Precedent of 25 *Ed.* I. as full as could be wiſhed in this caſe; yet I return the Anſwer of the *Author* of the *Letter* in a like caſe;
p. 49. *This is but one ſingle Precedent*, (of a Parliament without Biſhops,) *againſt multitudes wherein they were preſent*; *it was once ſo*, *and never but once*. *And can that be thought ſufficient to alter and change the conſtant courſe and practice of Parliaments*, *which hath been otherwiſe?*

Nothing now remains, but a ſevere reflection on the Popiſh Biſhops
p. 99. for *oppoſing the Statute of Proviſors*, *and the ſeveral good Acts for the Reformation*. But what this makes againſt the *Votes* of Proteſtant Biſhops is hard to underſtand. If he thinks thoſe could not make *a good third Eſtate in* Parliament, who took Oaths to the Pope contrary to their Allegiance, and the intereſt of the Nation, ſo do we. If he have a great Zeal for the Reformation, ſo have all true Members of the Church of *England*, who, we doubt not, will heartily maintain the Cauſe of our Church againſt *the Uſurpations* of *Rome*, though the heat of others ſhould abate. For did not our *Proteſtant Biſhops* ſeal the *Reformation* with their *Blood*, and defend it by their admirable *Writings?* What *Champions* hath the *Proteſtant Religion* ever had to be compared in all reſpects with our *Cranmer*, *Ridley*, *Jewel*, *Bilſon*, *Morton*, *Hall*, *Davenant*, and many other *Biſhops* of the *Church* of *England?* And notwithſtanding the hard fortune *Archbiſhop Laud* had in other reſpects, not to be well underſtood in the Age he lived in; yet his Enemies cannot deny his Book to be written with as much ſtrength and judgment againſt the Church of *Rome*, as any other whatſoever. I ſhall conclude with ſaying, that the Clergy of the Church of *England* have done incomparably more Service againſt Popery, from the *Reformation* to this day, than all the other Parties among us put together: And that the Papiſts at this time wiſh for nothing more, than to ſee Men, under a pretence of Zeal againſt Popery, to deſtroy our Church; and while they cry up *Magna Charta*, to invade the legal Rights thereof, and thereby break the firſt Chapter of it; and from diſputing the *Biſhops preſence in Caſes Capital*, to proceed to others; and ſo by degrees to alter the ancient Conſtitution of our Parliaments, which will unavoidably bring *Anarchy* and *Confuſion* upon us: From which, as well as Popery, *Good Lord deliver us.*

The

The Caſe of Viſitation of Colleges, in the Houſe of Lords, in *Exeter-College* Caſe.

My Lords,

THE Noble Lord who ſpake laſt, hath put us into the right Method of purſuing this Debate, ſo as to bring it to a good Iſſue. For the Point before Your Lordſhips is not about the whole Proceeding of the Biſhop of *Exeter*, as Viſitor of *Exeter-College*; but whether his Judicial Proceedings againſt the Rector of that College, may be Examined and Reverſed by the Court of King's Bench? For it comes hither by a *Writ of Error*, which relates to the Judgment there given; and the main Error is, That they gave Judgment in a matter which did not legally come before them. If this can be made out, then the Judgment is to be Reverſed, and the matter to remain as it was before it was brought thither. But I am ſenſible of a very great prejudice which lies in the way, before I enter upon the Debate, which is, That if the Judgment of the Biſhop be not Reverſible at Common Law, then his Power is Abſolute and Concluſive, being without any farther Appeal; which ſeems to be the ſetting up an Arbitrary Power among us, which is againſt Law.

Truly, my Lords, I think this Objection ought to be removed in the firſt place; for I would not be ſo miſunderſtood, as if I were for ſetting up a Power againſt Law; for the Law is the greateſt ſecurity of our Religion, and Lives, and Liberties. But there is a great difference to be made between an Arbitrary Power againſt Law, and a Concluſive Power by Law. I cannot underſtand how a Power given by the Law, ſhould be a Power againſt Law. And the Queſtion before Your Lordſhips is, Whether the Law hath not given ſuch a Power to Viſitors, as to determine matters, without the liberty of Appeal, and if there be no Appeal, their Judgment muſt be Final.

But that ſuch a Power in Viſitors is not againſt our Law, appears by that excellent *Statute*, 43 Q. *Eliz. c.* 4. concerning Commiſſions for Charitable Uſes, where Viſitors have ſuch a Power given them by Law, that they are not liable to be called to an account, by any Commiſſion, or by Court of Law or Chancery. So that our Law doth think fit on ſome occaſions, eſpecially as to Eleemoſynary Foundations, to lodge ſuch a Power in ſome Perſons, and this ſurely cannot be called an illegal Power.

But it hath been urged with great plauſibleneſs, That the Viſitor's Power is no other than the Founder's Power, for he acts as Founder, and by his Right; but no Founder can eſtabliſh ſuch an Arbitrary Power, and therefore it is Illegal.

I confeſs, my Lords, I am of Opinion, that if the Viſitor hath no other Power but the Founders, he could not ſettle ſuch an Arbitrary Method of Proceeding, that the Viſitors Judgment ſhould not be called in queſtion by the Courts of Law. For the Founder was but a private Subject in the preſent Caſe; and I do not ſee how the Founder of *Exeter-College*, by an inherent Power in himſelf can debar any Perſon from an Appeal, in caſe of Injury done to him, in a Society ſettled by Law. I know very well how much it hath been pleaded, and what weight hath been laid upon it by the learned Council at the Bar, *viz.* That the Right

of Ownership, or the Property of the Lands in the Founder, gives him a Visitatorial Power in Law; which he may leave to such as he shall think fit to intrust with it, and that this Power comes not from any Ecclesiastical Canons, (which I freely grant) but from the Common-Law, which placeth it in the Founder and his Heirs, unless he settle it upon others. And although Corporations for publick Government, be subject to the Courts in *Westminster-Hall*; which have no particular Founders, or special Visitors, yet Corporations for Charity, founded and endowed by private Persons, are subject to the Rules and Government of those that erect them. But where the Persons to whom the Charity is given are not incorporated, there is no such Visitatorial Power, because the Interest of the Revenue is not invested in them; but where they are, the Right of Visitation arises from the Foundation, and the Founder may convey it to whom, and in what manner he pleases; and the Visitor acts as Founder, and by the same *Authority* which he had, and consequently is no more accountable than he had been.

This seems to be a very fair and reasonable Account of this matter; but if we look narrowly into it, we shall find that it will not clear the difficulties of the present Case; which relate to a Society incorporated by Law, and not to a meer Arbitrary Society, depending on the Will of the Founder. Now if a private Founder cannot by his own Power Incorporate such a Society, then I cannot see how he can give such a power to a Visitor to remove any one out of it; so as not to be accountable to any other Court.

We must therefore go farther than the meer power of the Founder in this matter. And I take it for granted, that every such Corporation must have a Legal Authority, besides the Will of the Founder, and that
10 R. 29. must be either by Common-Law or by Prescription (which is not pretended in the Case of Colleges) or by Act of Parliament, as Hospitals are, 39 *Eliz. c.* 5. or by Royal Charter; for the King by his Authority can make a Society to be Incorporated so, as to have the Rights belonging to Persons as to Legal Capacities. So it is expressed in the Words
Mon. 11. 4. 83. of the Charter of the Foundation of a Charitable Society, *Ut sint unum corpus, habeantque Successionem perpetuam, ac sint Personæ habiles & capaces in lege.*

In the Foundation of *Queens-College* in *Oxford*, *Ed.* 3. by his Charter 18 *Jan. A. D.* 1340. makes the Provost and Fellows, *Verum Collegium, & ut Collegium licitum & approbatum agnoscimus, Authoritate nostrâ plenâ quâ possimus, ratificamus & confirmamus.*

In the Charter of the Foundation of *Lincoln-College*, *A. D.* 1427. *H.* 6. gave the Founder Authority to found a *College*, consisting of a Rector, Scholars, and Chaplains.

So *All-Souls* was founded by the King's *Authority*, *A. D.* 1437. 16 of *H.* 6. although Archbishop *Chichely* gave the Revenues.

Corpus Christi College had not only a Charter of Foundation from the King, *A. D.* 1516. but Bishop *Fox* the Founder had first a Licence from the Crown to found a *College*, consisting of a President, and 30 Scholars.

If the Founder changed his mind after the first Grant, then he obtained a new Grant from the Crown, as in the Case of *Corpus Christi*: The Founder at first intended a Seminary for Monks, but altering his mind, that Grant was brought into Chancery, and there voided, and then obtained a new Grant.

The like happened as to St. *John's College* there, *A. D.* 1557.

The

The last *College* founded in *Oxford* was *Pembroke-College*, A. D. 1624. and that had a Charter from the Crown for its Incorporation; and for enjoying all the Privileges belonging to such a Body.

So this College (which had not the Name of *Exeter* College at first) but the Society was incorporated by a Charter under the Broad Seal, 10 *May*, 7 *E.* II. *Ann.* 1314. But although the several Kings, made the Colleges to be such in Law, *i. e.* legal Corporations, yet they left the particular Founders Authority by their Charters to appoint what Statutes they thought fit for the Regulation of them.

So Archbishop *Chichely* sent the Body of his *Statutes* under his Hand and Seal to *All-Souls*; so did *Wickham* before to *New-College*; so did *Waynflet* to *Magdalen College*, and *Fox* to *Corpus Christi*; and so did the Founders of St. *John's*, *Brasen-Nose*, *Trinity*, and *Wadham*: *Lincoln* College wanted *Statutes* by the Death of their Founder. *Wolsey* sent *Statutes* to his Foundation, but that being dissolved, and a new one erected by the King, those *Statutes* were suppos'd to have lost their Force. In *Magdalen* College, the Founder had Liberty to keep the Government of the College for some time in his own Hands, and when he was about making *Statutes*, he changed them several times. So *Walter de Merton* sent *Statutes* under his Seal to *Merton* College, *Ann.* 1278. which he afterwards revoked, and sent others *A. D.* 1275. But still we see, although the Corporation was made by the King's Charter, yet the *Statutes* were left to the particular Founders.

And not only the *Statutes*, but the appointing of Visitors was left to them, and the manner of Government, and the several Conditions, on which any Persons were to be made or to continue Partakers of their Bounty.

By the first *Statutes* of *Exeter* College, the Rectorship was to be from Year to Year; but upon a Review of the *Statutes*, *A. D.* 1566. it was to continue as others did. But that which I particularly observe is, that these Founders of Colleges did take special Care to prevent, as much as possible, all Law Suits among the Members of their Societies, as most destructive to the Peace and Unity of their Body, and the Tranquility necessary for their Studies: For they knew very well, that if any Incouragement were given to Suits at Law, those places would in time become Nurseries for Attorneys and Solicitors, which were to pervert the main Design of their Foundation. *Walter de Merton*, the first Founder of a College in *Oxford*, with Revenues to support it, took such care about this, that he puts the Case in his *Statutes*, of a Wardens being deprived, and knowing that Men are apt to complain when they suffer, and to endeavour one way or other to be restored, (which causes great Heats and Animosities among the contending Parties) therefore to prevent these mischievous Consequences, he puts in a Chapter on purpose, *c.* 41. in his *Statutes*, that if such a Case happen'd, *Nulla Actio, nullum Juris Remedium Canonici vel Civilis habeat*, &c. This you may say, is a very hard Case; may not a Man see himself righted by proper Remedies at Law?

But this wise Founder look'd on the Consequence as to the Society, more than the personal Injury of him that suffer'd; and he preferred the Peace of his College, before the restoring a particular Person to his Place. And he thought the Injury to the College by Law-suits would be far greater, and fitter to be consider'd by him, than the Injury and Mischief which one Man suffer'd.

And so in the *Statutes* of *Exeter* College it is expressly mention'd, that if the Rector be depriv'd by the Commissary, he may appeal to the Bishop as Visitor, but if he be depriv'd by the Visitor himself, then no farther Appeal is allow'd, nor any Remedies, *Juris aut Facti.*

If the *Statutes* did allow of *Defensiones legitimæ*, as those of *Magdalen College* do, *c.* 53. no doubt they may make use of them, within those bounds which the *Statutes* allow: But here it is otherwise; for the Persons depriv'd are bound to acquiesce in the Sentence passed upon them; and that with a regard to the good of the *College* more than to their own.

But it hath been said with great appearance of Reason, That whatever the Intentions and Design of these Founders of *Colleges* might be, yet the Law of the Land is to set all things right which are amiss; and if such things do come before the King's Judges, they are to do Right in all Cases; and for this Particular of Deprivation, we have been told of a notable Precedent in Dr. *Coveney*'s Case in *Dyer*, often mentioned by my Lord *Coke*, who was depriv'd of the Presidentship of *Magdalen* College by the Visitor, and he made his Appeal, and the Cause was referred to two Judges, who declar'd that he had no Remedy by an Appeal in Chancery, but Deprivation being a Temporal thing, he might have an Assize or Suit at Common Law. This is the Force of all that has been urged from this Precedent: To which I must beg leave to give a full Answer.

I cannot deny that my Lord *Coke* several times refers to it, and seems to insinuate it as a Foundation that the Courts might proceed upon; but he never mentions one Assize that was brought upon this Ground. But he had that Property of a good Judge, *ampliare Jurisdictionem*; and every one knows that in his time, there were great Endeavours used to enlarge the Jurisdiction of the Courts in *Westminster-Hall*; and Sir *James Baggs* his Case is an evident Proof of it, which some great Lawyers have denied to be Law. But how come Dr. *Coveney*'s Case to be called a Precedent, and so much insisted on as a Precedent in this Case? Whereas in Truth it is no Precedent at all relating to it. All that it can be a Precedent for, is only that in matters of Deprivation there lies no Appeal in Chancery; but what follows upon it, is nothing but an Inference made by the Judges, *ex hoc sequitur.*

11 *R. Kebl.* 1. 667. 835.

Can that make a Precedent? What if they should be mistaken in their deduction? Can a false Consequence make a true Precedent? I had thought a Precedent in Law had been grounded upon a Judicial Sentence, and a full hearing of a Cause. But here is nothing like it, and yet this must pass for a Precedent as to the present Case, which shews a very great want of them. But however two Judges declared their Opinion, that Deprivation was a Temporal thing, and that an Assize did lie at Common Law in such a Case.

Their Opinion was, That Deprivation was a Temporal thing: This with Submission is a very crude and obscure way of expressing a thing, so as to ground such an Inference upon it. For a Temporal thing may either mean such a thing as is not under the Spiritual Jurisdiction, so as an Appeal doth lie according to the *Statutes* 24 & 25 *H.* 8. and this was all the meaning of it, as to Dr. *Coveney*'s Case. Or a Temporal thing may imply such a matter as properly belongs to the Temporal Courts, which by no means follows from the former; for if this Inference be allow'd, then *ex hoc sequitur* will hold as to all Sentences in the

the Courts of Chancery and Admiralty, as well as to this Case of Deprivation. For no doubt they are about Temporal things; and so this will prove an admirable Precedent for enlarging Jurisdiction.

But did Deprivation begin to be a Temporal thing at that time? Was it not as much so before and after as it was then? How came this Inference not to be made, and no Assizes brought in such Cases? Was there never such an Occasion before? That cannot be pretended. For *A. D.* 1379. upon a Quarrel about the Provostship of *Queen's College* in *Oxford*, the Archbishop of *York* being Visitor, deprived the Provost and three Fellows. Was not this a Temporal thing? And they were very unquiet Men who were depriv'd, but they brought no Assize. But the King as Supreme Founder, sent a Commission to examine the matter, and upon hearing, the Provost stood deprived, and a new one confirmed. But to come nearer our own Times, *A. D.* 1562. 4 *Eliz.* the Archbishop of *Canterbury* as Visitor proceeded against *Hawles*, and other Fellows of *Merton* College, for opposing the Admission of a Warden, nominated by the Archbishop as Patron upon a Devolution; and he proceeded as Visitor to their Deprivation. Was not this a Temporal thing? yet no Assize so much a sthought upon at that Time.

A. D. 1568. The Bishop of *Winchester* being Visitor of *Corpus Christi* College, deprived those Fellows who opposed the Admission of *Cole*, nominated by the Queen, after the Election of *Harrison*, which was said not to be Statutable. Now both these Cases had Difficulties in them, and were Temporal things as much as Dr. *Coveney*'s, yet we read of no Assize brought, even soon after this Inference of the two Judges, which shews, that there was little regard had to it. 19 *Eliz.* happen'd a remarkable Case about the Headship of *Lincoln College*; one *Will. Wilson* pretended to be chosen by the Society, and had the College Seal for his Election, with which he goes to the Bishop of *Lincoln* to be confirmed. The Bishop refuses, he appeals to the Arches; and the Archbishop of *Canterbury* appoints a Commission to examine and judge this matter; and then the University complained to the Queen of the Breach of their ancient Privileges: Upon which the Queen grants a Commission *ex plenitudine Potestatis nostræ* (are the very Words) to some Bishops, Judges, and Civilians, to summon the Parties before them, and to determine the Cause, without any farther Appeal. Which Commission is still extant in the Rolls, and bears date 23 *Apr.* 19 *Eliz.* Here we have no Assize or Suit of Law once thought of, altho' it had been as proper then as any time afterwards.

But how hath this Matter stood since, and how came such Causes to be brought into *Westminster-Hall?* I will give your Lordships the true Account of it as far as I can trace it.

Soon after his late Majesty's Restauration, 13 *Car.* II. one Dr. *Withrington*, Fellow of *Christ*'s College in *Cambridge*, was deprived of his Fellowship by the Master and Fellows, he appealed to the *King's Bench*, and craved a *Mandamus* to be restored.

In the Arguments in that Cause, one of the learned Judges of that Court affirmed, That the first Precedent of that kind was not above 10 Years before; and that was the Case of one *Hern*, who obtained a *Mandamus* to restore him to a Place he was deprived of in the University, when *Glyn* was Chief Justice. And the Reason given was, because there was then no special Visitor, for the Archbishop of *Canterbury* was local Visitor. Can this Precedent hold, when there is a local *Keb.* 1. 2.

Vi-

Visitor to whom it belongs to give Judgment in such Cases? after this
Styles 457. A. D. 1655. one *Craford* made Application to the *Kings-Bench*, to be restored to the Place of School-Master in *Cambridge*, of which he was deprived by the proper Visitors, the Master and Fellows of *Gonville* and *Gaius-College*. Upon several Arguments it was denied, and it was Resolved, that no Writ of Restitution should be granted, but the matter was referr'd to the Chancellor, *&c.*

So the Court of *King's-Bench* in Dr. *Witherington*'s Case, declared, he could have no Restitution from thence, because his Appeal lay to
Siderfin. 71. Kebl. 234. the proper Visitor who was *Fidei Commissarius*, *i.e.* the Law trusted him with the discharge of his Duty.

14. Car. II. Dr. *Patrick* was chosen Master of *Queens-College* by a Majority of Fellows; but another was admitted, upon which he appealed to the *Kings-Bench*, but some of the Judges said positively, that no Writ ought to have been ever granted upon differences in *Colleges*,
K. 1. 289, 610. and that the Appeal lay to the local Visitor and not to the *Kings-Bench*. It was then urged, that it was a matter of Freehold, and that it was no Spiritual Corporation, but the declaring of a Master was a Temporal thing. Notwithstanding, the Chief Justice declared, that it would shake the whole Government of *Colleges*, to give Remedy in that Court.

Mod. R. 80. 22. Car. II. one *Daniel Appleford*, was deprived by the local Visitor of his Place in *New-College*; he brings the matter to the *Kings-Bench*, where my Lord Chief Justice *Hales* then sat; the Case was argued by learned Council on both sides. But my Lord Chief Justice said, if there be a Jurisdiction in the Visitor, and he hath determined the matter, how will ye get over that sentence? And at this Rate, saith he, we may examine all Suspensions and Deprivations, and so where will there be an end? Which words have a great deal of Weight in them, for they shew where the Jurisdiction lies, and what Confusion and Disorder would follow the altering the settled Course of Jurisdictions. It is a great Argument to me, that the Law was far from being clear in this matter, that the learned Judges were so much divided in their Opinions, when those Cases were brought before them, soon after the Restauration they could produce no Precedents about 10 years standing, one Judge remembred a Controversie about a Provostship of *Oriel*; but then there was no Appeal thought of to the *Kings-Bench*; but the Question was, whether it lay to the local Visitor, or to the Archbishop, and it Resolved for the Visitor, in Dr. *Lewis*'s Case. But there had been a a Precedent, when there were no Visitors, and therefore some were for going upon that Precedent; although there were Visitors, for one Precedent, is a very tempting thing in Case of Jurisdiction, where there is not a mind that values Right more than Power. But some such there were among the Judges of that time, who refused to concurr in such Proceedings that had no Warrant from ancient Practice, and tended to so apparent a Mischief in the Government of *Colleges*: for all petty Controversies among them must then be brought to *Westminster-Hall*: Which might bring some Advantage to the Lawyers, but certainly none to the Universities.

It is worth our while now to consider on what Grounds those went, who would have such Causes brought to the Cognisance of the Court of *Kings-Bench*, and the weakness of them will shew what little Reason they had for this new Practice. Some would go so far back as to found

found it upon *Magna Charta*, *c.* 29. That no man shall be disseised of his Freehold, but by his Peers. But they forget that it is added, *vel per Legem terræ*, which words establish other legal Proceedings, which have been receiv'd as part of the Law of the Land, for otherwise not only all the Proceedings of the Ecclesiastical Courts must be illegal; but in the Court of Admiralty and Chancery, which I suppose was not intended by them.

Others said, that if Colleges were Ecclesiastical Corporations, an Appeal would lie to the Chancery, as from other Ecclesiastical Courts, but being lay Corporations, they are under the Cognisance of the King's-Bench; which according to Sir *James Baggs*'s Case is to Judge of all Oppressions and Injuries in Corporations. But with submission, I think the Resolution of this case doth not depend upon the Nature of the Corporations, whether they be Lay, or Ecclesiastical, or Mixt; but upon the ancient Right of Jurisdiction over them. There is no Question but Colleges as well as other Schools of Learning were generally esteemed as parts of the Ecclesiastical Body. For they were set up in these Western Parts by the Bishops in their several Churches, as appears by many Decrees of Councils to that purpose about the time of *Charles* the Great, and a little after. It is generally thought, and not without Ground, that *Alcuinus* who was bred up here in Learning under *Egbert* Archbishop of *York* (in such a kind of College for Learning under him, which he mentions in his Epistles and the Library he founded there) did first put *Charles* the Great upon this Noble Design of Restoring Learning, and it had considerable success for some time. But when those Schools began to fail for want of Incouragement, some of the greater Monasteries undertook to set them up, which brought great Reputation to them abroad. But here in *England*, Incouragement had been given by some of the *Saxon* Kings for the Scholars to Unite together, especially in two ancient Cities, which lay most convenient for such a purpose, and there, by degrees their Numbers so much increased, that they became considerable Bodies. For we are told, that at one time, there were 300 Halls and Inns for the abode of Scholars in *Oxford*. Such Bodies of Men of Parts and Activity were not to be let alone without due care of them, as to Discipline and Jurisdiction.

They had long since great Privileges given them by our Kings, as to Causes arising among themselves (excepting Murder, Felony and Freehold; not such a kind of Freehold as depends upon the Founders Will, but the Freeholds of the Halls or Inns or Possessions of the Colleges) but for all other Causes, they were to be under no Civil Jurisdiction, but what was lodged in the Officers belonging to their own Body. I need not to recite the particular Charters of *H.* 3. *Ed.* I. &c. since the Commission 19 *Eliz.* clears the whole Matter. For therein it is not only said that the University of *Oxford* had time out of mind large Privileges, Exemptions and Immunities, granted by Kings, and confirmed Parliaments; but this particularly, that the final Decision of all Causes arising among themselves were to be determin'd in their own Body. And which is very observable, this Recital is made upon occasion of a Complaint concerning the Title to a Headship over a College. So that, at that time, it was believed, long after Dr. *Coveney*'s Case, that not Relief was to be had in such Cases by an Assize at Law; and that the University had been time out of Memory, in quiet and peaceable Possession of these Privileges. by virtue of which, the Chancellor of the University

a Capit. Car. M. l. 1. c. 62. l. 2. c. 5. Concil. Cab. 813. c. 3. Aquisgran. 816. c. 135. Paris. 6. l. 3. c. 12. Valent. 855. c. 18. Conc. apud Sapor. 859. c. 10. Car. Calv. Cap. c. 19. Ivo. p. 4. c. 214. Crantz. Metrop. l. 3. c. 43. Hist. Univers. Oxon. 149. Hist. Univ. Oxon. 93. 109. 146.

sity had Ecclesiastical Jurisdiction over the Members of that Body, and could grant a Writ *De excommunicato capiendo*, (for the Chancellor was an Ecclesiastical Person till Sir *John Mason*'s time) and since that it became an Honourary place for Persons of *great Quality*. The Vice-Chancellor Acts as his Commissary. And in this Respect, the University Jurisdiction is a Branch of the Ecclesiastical Law, and it is observable, that in the ancient Writs sent to the University, they are all called the Clerks of our University, 5 *Eliz.* 3. 13 *Ed.* 3. 15 *Ed.* 3. 12 *R.* 2. and so in the time of *H.* 7. *Walsingham* mentioning the Difference between the University and Townsmen, calls it *inter Clericos & Laicos*. For the general Rule was, that a Corporation took its Denomination from the greater Number, and therefore the Universities were accounted part of the Ecclesiastical Body; although a considerable Number of the Members were not Ecclesiastical Persons. But as to particular Colleges, we must observe that they are included in the General Privileges and are to enjoy the Benefit of them according to their own *Statutes*. For our several Kings having given the Founders a Power to make *Statutes* for their own Societies, and to appoint Visitors with such Powers as they thought fit, they enjoy their Privileges under the same Grants and Prescriptions, which the University it self doth. And these Visitors are the Ordinaries of the several Colleges over which they are appointed, and are to Exercise their Jurisdiction according to the *Limitations* of the several *Statutes*. And if they transgress their Bounds, I do not see how they can be brought into *Westminster-Hall*. For it is agreed, that where there is an ordinary Jurisdiction, there lies no Appeal to the Courts of Common Law; else all Ecclesiastical Censures might be there Examined over again. For this *Kenn*'s Case is plain, and *Huntley*'s Case, or *Allen* and *Nashe*'s Case, and before them *Cawdrie*'s Case, which it is not so fitting for me in this place to recite as to refer to them. And no pretence of collateral Actions can be a sufficient plea for examining what belongs to another Jurisdiction. For then *the Right* of peculiar Jurisdiction signifies nothing, if under another colour the same thing may be done as if there had been no such Jurisdiction at all.

Walsingh. Ch. 69.

Rolls. 219.

The short of it is, that by Charters and Privileges and length of Time, the Jurisdictions of the several Courts are settled; so that now, it would not be thought legal for the Common-pleas to try criminal *Matters*, or the *Chancery Matters* of Law; but every Court hath a limited Power and Jurisdiction.

The King's Bench is the Supreme Court; but it is not so unlimited a Court as the ancient *Curia Regis* was before the time of *E.* 1. That was indeed a Sovereign Court, wherein the King himself was present and all his great Lords, and they had the Right of Appeal in all Great Causes, and there the Capital, General, and Perpetual Justices attended the King and gave Judgment, as *Bracton* speaks. And the Remainder of this, is in the Supreme Judicature of this Noble House. Which is not derived from any later precedents of Appeals, as some have weakly imagined, but from the Fundamental Constitution of this Government, which always had a Supreme Court of Appeal; which as the Laws of *Edward* the Confessor say, was in the King and his Nobles. But for the Court of King's Bench; altho its *Dignity* and *Authority* be great as to Breaches of the Peace, correcting the Errors of other Courts, *&c.* (and I have not the least design to lessen the just Honour and Privileges which be-

Bract. *l.* 3. 108.

belong to it) yet it hath but a limited Power, and cannot extend its Jurisdiction as far as it pleases, and break in upon other Jurisdictions which are equally derived from the Crown, and *settled* by the ancient Law and Custom of *England*.

But this is not all, for the peculiar Jurisdiction of Universities hath the general Consent of the most Civilized Nations, ever since Universities have been set up in them, as appears by the famous Constitution to that purpose of *Frederick* I. *A. D.* 1158. by which all Differences among the Scholars were to be decided, either by their own proper Officer, or by the Bishop of the place. Which Constitution hath not only been generally received, but so understood, as to exempt them from the Jurisdiction of Temporal Courts, as appears by **Baldus*, † *Accursius*, || *Scipio Gentilis*, † *Rebuffus* and others. And *Rebuffus* gives the true Reason, *Ne à studiis avocentur propter lites alibi motas*. In the University of *Paris* he saith, *That he was looked upon as a Monster, who being a Member of the University appealed to other Courts; and it was then thought Perjury in any such to do so, especially where Appeals are forbidden*; as they are by the *Statutes* of *Exeter College*.

* Bald. in Authent. C. *l.* 4. Tit. 13.
† Accurs. ibid.
|| Scipio Gent. de Jurisd. *l.* 3. *c.* 17.
† Rebuff. de Privileg. Schol. *l.* 157, 158.

A learned * *German* Lawyer hath brought no fewer than 42 good *Authorities* in Law, to prove that *Universities* have a peculiar and distinct Jurisdiction within themselves, and that other Judges have nothing to do with their judicial Sentences.

* Cothman. Resp. Acad. 1.

How then come our *Universities* and *Colleges* to be in a worse condition than any abroad; when there are not greater Privileges given to any, nor enjoyed for a longer time than have been by ours? Shall the Noble Endowments of our Colleges, which are the Honour of our Nation, the Nurseries of our Church, the Envy of Foreigners, and the Eyesore of none but such as hate Learning and ingenuous Education, make them become an easier Prey to such *unquiet Spirits*, as by *Law-suits* and unstatutable Appeals, would overthrow *that Power* which preserves them in a state of Peace and Tranquility, without which they can never *attain* the end of their *Institution*.

If then your Lordships would consult (as I know you will) the good of *those Societies*, which have an influence on the whole Kingdom; if you would promote Learning, and Vertue, and Unity among them, there must be a timely check given to these tedious, expensive and troublesome Suits at Law, which disquiet the Thoughts, eat out the Time, exhaust the Purses of all that are concerned in them, and lay the Foundation in Colleges of perpetual Feuds and Animosities. And therefore although it be possible for a *Visitor* to go beyond his Bounds, (for none are infallible) yet if such a Case be put, it is better that one Person suffer, than that the Discipline, Government, and Peace of the College be in danger of being *utterly destroy'd*. For one *froward contentious Man* going to Law with the College, upon a Censure inflicted upon him, and being incouraged so to do, may put the College into such Heats and Animosities, as are of far worse Consequence than his continuing to suffer under a Sentence of *Deprivation*. And therefore I humbly move *that the Judgement of the King's Bench* may be Reversed.

The Case of *Commendams* in the House of *Lords*, *A. D.* $169\frac{4}{5}$.

THere are Three Points in the present *Case* before us.

I. The King's Prerogative in Right of Promotion.

II. The Power of granting a *Commendam*.

III. The Act of Parliament made about St. *James*'s Church.

I. As to the King's Prerogative; two things are to be enquired into.

1. The Practice. 2. The Reason of it.

1. The Practice. 2. Advantages in Proof of a Practice.

1. If owned upon solemn Trial. 2. If the same Judgment hath continued afterwards.

1. Upon solemn Trial, when the matter hath been debated. As in *Wright*'s Case 37 *Eliz. Moor*, fol. 399. where it is said, *That it was adjudged by many Precedents shewed in Court, that the Queen was to have the Right of Presentation upon Promotion, and not the Patron.* Here was a full view of Books and Precedents in Court; and upon it a solemn Judgment given. What Books? Not the *Year-Books*; where this Point is rarely mention'd, and not judicially determin'd: But the proper Books are the *Registers* of the several Bishops, where the *Institutions* are recorded, and the Avoidances, whereby it would be seen who presented upon Promotion. And out of these were the Precedents taken by *Noy*, who produced, *f.* 138. *R.* no fewer than 18 Precedents within the compass of 40 Years, from 21 *Eliz.* to 14 *Jac.* 1. where the Prerogative had obtained by determination of *Commendams retinere*; the last is of Dr. *Donne* to the Rectory of *Sevennock* in *Kent*, by Promotion of Dr. *Milburn* to St. *David's*, who held it in *Commendam retinere* for a Year. And from such Books the Practice is to be gather'd. Indeed if a Dispute in Law happen'd, and that brought into *Westminster-Hall*, then the *Year-Books* are to be searched; but where is there any judicial Opinion in them against the *King's Prerogative?* It is not enough to bring Instances where the King did not present, for the King might let the Patron present on particular Reasons; but the true point is, where the Patron challenged the Right upon Promotion, and the Judges gave for the Patron against the King. No one Instance of this kind is produced, but several against it, since the time of Reformation, and those grounded on Precedents before. In *Wentworth* and *Wright*'s Case, 39 *Eliz.* the Point was solemnly debated in the Court of Common Pleas; *Wentworth* was Patron, *Wright* Incumbent by the Queen's Title upon *Davis*'s being made Bishop of St. *Asaph*. There it was alledged by the Queen's Council, that it was *the common Experience* or Practice *then for the Queen to present upon Promotion, and that they had many Precedents of it*, Cr: El. 527. And on the other side, the main thing insisted upon was the Silence of the old Books; of which an Account is to be given.

Cr. Eliz. 527.

In the Case of *Armiger* and *Holland*, (*Cr. Eliz.* 39. f. 542, 601.) the same matter was debated. *Holland* was presented by the Queen upon the Failing of a *Commendam* granted to Dr. *May*, made Bishop of *Carliste*; and then my Lord *Coke* said to the Judges, *I can shew you the Resolution of all the Justices, that the Queen in this case shall present.* And Chief Justice *Popham* said, *So is the common Experience at this Day.*

In

In the Case of *Basset* and *Gee*, (Cr. Eliz. 42, 790.) the Incumbent being made a Bishop in *Ireland*, the Judges declared, *That in case of such an avoidanee the Queen should have it by her Prerogative*; but if she lost her Turn she could not have it afterwards.

But it may be objected, *That all the Judges have not been since of this Opinion:* For in the Case of *Wentworth* and *Wright*, upon another Argument, the Judges were not satisfied, as appears by *Owen*, R. 144. and so Justice *Hutton* upon another Case in *Winch.* 95.

It cannot be denied, that these Judges did vary in their Opinions; but we must consider that these were *Doubts* rather than *Judgments*, and no such *Doubts* ought to be hearken'd to against the general Sense and Opinion of others, even since their Time. *Rolls* confesses, *That the Law is taken to be for the Prerogative*, 2 Abridg. 343. *Vaughan*, who never followed the common Opinion of Judges against his own Reason, saith, *f.* 19. *That he takes it for granted, that upon an avoidance by Promotion, the King and not the Patron is to present.*

But the best way to answer the Doubts on the other side, is to examine the Grounds of them; and those are two:

1. The Silence of the Year-Books.
2. The want of sufficient Reason for the Practice.

1. As to the *Year-Books*; Justice *Hutton* in *Winch.* 95. saith, *That for any thing he can see in their Books, the King had not any Title to present, except that he himself was Patron.* And it cannot be denied, that there are Cases in the Books where the King presented by the *Temporalties* being in his hands. *Fol.* 3. *Abr. Quare Impedit.* n. 35. 4 Inst. 356. where there is a particular Case on which *Coke* relies much, because it seems to come home to the point; for it is there said that when the *Temporalties* of the Bishop of *Exeter* were in the King's hands, and the Archdeaconry of *Cornwall* became void by the Archdeacon's Promotion to *Dublin*, the King presented by virtue of the Temporalties, and not by Prerogative, saith *Coke*; to which purpose he cites many Authorities which I see no reason to question. But on the other side, *Brook* saith, Br. Abr. *Present. n.* 61. That 5 *Mariæ, the Bishop of* Ely *told him, That he had seen a Presentation made by King* Ed. III. *to a Benefice which was in another's Patronage* ratione Prærogativæ suæ, *because the Benefice was void by the King's making the Incumbent a Bishop.* To this Justice *Hutton* answers, *That it was but the Report of the Chancellor who had that in Presentation*; which Answer will overthrow all Precedents where Parties are concerned. But this is grounded on a mistake, for the Bishop of *Ely* was not Chancellor, but *Heath* Archbishop of *York.* But if the Extracts out of *Noy*'s MSS. may be believed, in the Margin of *Dyer* 228. the very same Year, 24 *E.* 3. the King recover'd upon Trial the Presentation to a Prebend of *Exeter, because the Prebendary was made Archbishop of* Dublin; and on the same account that he presented to a prebend in the Church of *Lincoln.* How can these things consist? It seems most probable, that the King made use of several ways to justify his Title; by Wardship, by the Temporalties, and by Prerogative; but this last was most tenderly insisted on, because the Pope about that time did most openly begin to take upon him the disposal of Church Preferments by *Reservation, Collation*, and *Provision*, against all which the Statute of *Provisors* was made, 25 *E.* 3. And among other Pretences the Pope did challenge to himself the Right of Promotion; for which end he publish'd a solemn Bull, *Extr. Com.*

de Præb. & Dignit. ad Regimen; wherein he reserved to himself the Collation of all Benefices void by promotion to Bishopricks. This in probability was one great occasion of the *Statute of Provisors*. As to which these things are observable.

1. That thereby all Collations at *Rome*, as to Benefices of Ecclesiastical Patronage were put into the King's hands, and so from time to time, as is expressed in the *Statute*; and the Reason given is, because the King is *Patron paramount immediate*.

2. That although the King had this Power by Law, yet he did not Execute it, but let the Pope make Collations at *Rome*, as appears by the *Year-Books*, 41 *E.* 3. 5. 11 *H.* 4. where it is said, *That the Statute of Provisors was grown out of use*; and the Pope's Power is owned by the Judges, and the King gave up the Cause at last.

3. That the Pope's granting *Collations* upon promotion were allowed and permitted here till the *Statute* 25 *H.* 8. In 11 *H.* 4. a considerable Case is put, *viz.* whether the Pope's granting a *Commendam* to a Bishop before Consecration could supersede the Law of the Land which makes Benefices void which were enjoyed before Consecration? And it is looked on as the better Opinion of *Thirring* Chief Justice and *Hankford* by *Davis* 77. and *Vaughan* 21. that the Pope's *Commendam* did prevent the Avoidance being before Consecration; but if it came after, it could not. And so Cardinal *Beaufort*'s Dispensation for the Bishoprick of *Winchester* coming after his being made Cardinal was void; but Cardinal *Woolsey*'s for holding his Archbishoprick of *York* being before was held good. *Lynwood* saith, that in his time no one question'd the Pope's power, of granting *Commendams* and *Dispensations*, *f.* 60. and this being so generally received here, it past for the Ecclesiastical Law at that time, till this power was taken from the *Pope* by *Statute*, 28 *H.* 8. *c.* 16.

Davis R. 77. *b.* 80.

4. That the *Pope*'s granting Benefices vacant by promotion by himself, was looked on as a *Prehominence* and *Privilege* belonging to him as owned to be Head of the Church at that time. And the Reason the Canonists give for it is, that no patron hath a Right to present but when the Benefice is void; and in this Case of promotion it becomes void not by Death or Resignation, which the Right of Patronage extends to, but by the Act of a Superior in whose power it was to hinder any such vacancy; and the Patron hath the less Reason to complain, because the Superiour follows and approves his Judgment in the person promoted. Besides, say they, how comes a Benefice to be void by Consecration? Some say, *it is by Common Law*; but Chief Justice *Vaughan* laughs at that, *f.* 21. 22. and saith, that it appears from 11 *H.* 4. that it was by the Ecclesiastical Law; then, say they, the *Pope* may dispense with that in *Commendam*, and when he makes avoidance by his own Act, he may give away the Benefices so vacant. All the injury the *Patron* can pretend to, is the loss of his hopes upon the next Avoidance; but say they, this is thought no hard thing in like Cases. In the Civil Law, if a Man had a rich Slave, and expectation of his Estate by his Death, yet the Emperor might give him power to dispose of his Estate, and the *Patron* had no cause to complain. In the Common Law, if a Man gives an Estate for another Man's Life, he can have no reason to complain of it, if it be disposed to another while that Person lives; but here is something more, for it may be for another's Life; however this is not to be thought hard when the Supreme *Patron* doth it; who may reasonably be allowed such a privilege above others. And we are told

Fr. de Roy de Jure Patronat Pool. c. 24. Davis R. 76. *b.*

Latch. R. 233, 234. 24 c. Davis 68. 72, 73. Winch. 95. Davis 77.

told by the French Canonists, that even in *France* since the pragmatick Sanction, this privilege of the *Popes* in case of promotion obtains there, even as to Lay-patrons.

5. By the Act of Supremacy 26 *H.* 8. *c.* 1. *all Privileges, Authorities, Profits and Commodities to the said Dignity of the Supreme Head of the Church belonging and appertaining are annexed and united to the Imperial Crown of this Realm.* So that the King must have the same Privileges which the *Pope* had as Supreme Head, and such in other Cases are allowed by the Judges at Common Law. As for instance; In the Case of Royal Dispensations as to pluralities, the Judges in *Armiger* and *Holland*'s Case declared their Opinion, that the King had the same power which the *Pope* had before, *Mar.* 543. And in case of Appropriations, the King had the same power which *the Pope* had before by Custom and Usage, as is declared in *Grandon*'s Case, *Plowd.* 498. and no other Reason is given, but that *the Pope* had accustomed so to do. But beyond these, is the Instance in a Commission of Review upon Appeals: For by *the Statutes* of Appeals, 24 *H.* 8. and 25 *H.* 8. *the Sentence* of the *Court* of *Delegates* is said to be definitive, but my Lord *Coke* saith, 4 *Inst.* 341. that *the King* may grant a Commission of Review. For what Reason? Because *the King* by *the Statute* 26 *H.* 8. 1. and 1 *Eliz.* 1. hath all *the Authority* which *the Pope* had by virtue of his *Headship*, and *the Pope* did grant such Commissions of Review. This I am sure is much harder than *the present Case*; for here *the Act of Parliament* makes *the Sentence* Definitive, which is a *legal Restraint* although not in words; but in the present Case, here are no Restraints, no saving the *Rights* of *Patrons* in such Cases; but the same Privileges are allowed which *the Pope* then enjoyed by virtue of his *Headship*; and the Bulls of *Confirmation*, *Commendams* and *Collation on Promotion*, were then looked on as belonging thereto. I do not say, as some have done, *That the Kings have all the powers which the Popes had*; for they exercised some extravagant Powers against the Laws of the Land; but I say, that in Beneficiary *Matters*, where there were Privileges then allowed to *the Pope* as Head of the Church, and no Law before or since doth *limit* or *restrain them*, thence I see no reason but that *the Crown* may still enjoy such Privileges; for something certainly was meant by them, besides the excluding foreign Jurisdiction; which was done before.

Cr. Eli. 542. 601. Latch. R. 244.

Heb. 146, 147.

6. The practice of following times will best explain the meaning of *these Privileges* granted to *the King* as *Head of the Church.* And we find that in the Case of *Wentworth* and *Wright* in *Owen* 144. *Williams* of Council for the King produced 8 or 9 *Precedents* of *the King's presenting* upon promotion in the time of *H.* 8. which were a great many from the Act of Supremacy 26 *H.* 8. to the end of his Reign. But what did the Judges say to them? Why truly, *they were between Spiritual Persons and those were the Pope's Servants, and therefore they regarded them not.* This is a very strange Answer. For, were all *these Precedents* before the Act of Supremacy? Then they shewed that they were not *the Pope's* Servants if they came in upon the King's Right: If after, how could they be the Pope's Servants in disowning the Supremacy? *But they were between Ecclesiastical Persons.* What then? Have not they Rights like other Men? Or is it no matter what becomes of them, so others be secured? It is a hard case, when their peculiar Rights are taken off as *the Pope's Servants*, that they should not be allowed the same common Rights with other Men.

II. Let us now come to the point of Reason, and consider how far that will determine this matter. Which is, whether, since the Popes enjoyed this Privilege, and our Kings have been so long in possession of it, there be now sufficient Reason to lay it aside? For this is the true Point; for it is granted, that since 21 *Eliz.* the practice hath been so; which had been thought a very considerable time the other way. Why should such a Prerogative, so long owned and submitted to, be now renounced and cast off as an unreasonable Usurpation? Were not others sensible of their own Rights and Liberties in all this time? Hath the King no interest in any Patronages but his own? Hath he not the Right of Lapse in all Livings? How comes he by this? Is it not as *Supreme Patron* by our Law? This is a Term not taken up to serve this business, but is owned by our Judges in Point of Law. In case of Lapse to the King he presents as *Supreme Patron*, say the Judges in *C.* 2. 651. and *Coke* saith it hath been often so determined. 5 *R. E.* 3. *Dyer* in *Frenden's Case Plowd.* 498. f. said the same thing; and *Harper*, and the other Judges, called the King *Supreme Patron as King*; and not on the
Moor 900. Account of the Act of Supremacy; and for this Reason the King's Consent was necessary to an Appropriation, because he lost his Title by Lapse; and withal it is there said, that every Patron hath his original Right of Patronage by Virtue of the Land which he held of the King, on which the Church was built; which might come to him be Escheat. So that the King had not only the same Privilege by the Act of Parliament, which the Pope had before, but he had a Superiour and Antecedent Ground as Supreme Patron. But not as if this gave him always the same Title by Promotion; but that it makes it more unreasonable to take it away from the Crown, when it hath been so long in Possession of it. But the great Objection is, as to the Patron's Right which we ought to be concerned for, being a part of the Liberty of the Subject, which must be taken care of as well as the Prerogative of the King. The true Answer to this, is, from considering the Patron's Right to present; which is no doubt a just, legal and ancient Right. But it is not an absolute Right, but liable to several Limitations. For (1) the Patron is not Lord of the Fee Simple of the Benefice; as *Littleton* owns *S.* 643. 1 *Inst.* 341. but hath only a Fiduciary Right, or a Trust put in him to Nominate or Present a fit Person. (2) This trust is limited to a certain time, within 6 Months; for then by the Law there is a Lapse to the Ordinary; if he fails to the Metropolitan; and then if he fails to the King. This is a trust provided by the Law in Case the Patron fails; not in Right of the Patron, as some think, but by Devolution and Compact.
Hob. 154. (3) The Patron's Right still supposes a Vacancy; but there is nothing in Law which hinders the King's Act either to prevent an Accidence by a *Commendam retinere*; or to present in an extraordinary Case, when he promotes the Incumbent, and makes the Benefice void by his own Act. And a Prerogative by Law is not inconsistent with the Liberty of the Subject by Law. For the Law is the most equal Measure of both.

II. As to the Power of granting a *Commendam* in the King; we must distinguish between what is really a *Commendam*; and what is called so; but is truly nothing but a *Dispensation* to hold a *Benefice* with a *Bishoprick* for a limited Term. A real *Commendam* is that which is given for Term of Life, and taken after Consecration. I do not mean that it was originally so; for a *Commendam* then was only a Temporary Case of a Church, till the Patron did proceed; and was nothing but the Guardian-ship of a Church

Church during the Vacancy. This was only for the Profit and Convenience of the Churches, without Regard to the Benefit of the Person. But afterwards *Commendams* were granted by the Pope for Term of Life, for the better Support of the Dignity of the Person, whose Revenues were not suitable to his Honour. And this was the chief Reason of retaining the use of *Commendam* here, after the Reformation. For many of the old Bishopricks being reduced very low; and new one erected with small Revenues; it was found necessary to grant to the Bishops a Power to hold other Benefices in *Commendam* by the King's Grant before Consecration.

The best Light we can have as to the Sense of our Law in this matter, will be to take a view of the most remarkable Cases, which have been in the Courts of Law, and the Judgments, and Reasons which have been given upon them: which are of far greater Consequence than mere Precedents, than were never questioned.

The first of this kind which we find debated, was a *Commendam* granted to the Bishop of *Ossory* in *Ireland*, 33 *Eliz.* which was to take as many Benefices as should be vacant, not exceeding the Value of 40 *perpetuæ Commendæ titulo*; some Years after a Vicarage became void in his Diocese, which he took by virtue of his *Commendam*; and the Question came into the Common Pleas 9 *Jac.* whether this were a good Title or not, which was solemnly argued by Counsel and the Judges. Those against it pleaded, that the Form was too general, and irregular, and that there ought to have been an express Clause of Derogation to the Patrons Right; or his Consent expressed. For otherwise this were a real Injury to the Patron's Right, which is an evil in it self, and cannot be dispensed with. But the main Argument was, that there was a great difference between a *Commendam retinere*, which supposes an actual Incumbent according to Law; and such a *Commendam* as gives a Bishop Power to take Benefices without a legal Admission. But, as to the former, it is confessed that several Judgments had been given for them in the Courts of Justice in *England*. As of *Parkhurst* Bishop of *Norwich* in the beginning of Q. *Elizabeth*'s Reign, who obtained a *Commendam retinere* of the Rectory of *Cleve* for 3 years; the Point in Law was, whether the Living was void by Creation, or not; *i.e.* whether such a *Commendam* were good in Law; and it was resolved that it was not void by Creation, but by Resignation within three Years. Davis 74. Dyer 233. Davis 77. Moor 900.

Dr. *May* had a Benefice called *North-creak* above 8 *l.* and takes another of this value, whereby the first became void; he was after made Bishop of *Carlisle*, and put the first Benefice into his *Commendam*; but it was adjudged against him; because he was not then legal Incumbent; but if he had been, there had been no Dispute. Latc. 239. Hob. 156. Winch. 99.

It is allowed by the other side, that such kind of *Commendams* were frequently granted by the Popes, as appears by 41 *E.* 3. and 11 *H.* 4. and in the time of *H.* 6. and *H.* 8. and that such *Commendams* were not within the Statute of *Provisors*. Dav. 80. 6.

As to the other sort of *Commendams*, the main Argument for them was the Poorness of Bishopricks, and the Necessity of supporting them that way. And it is hard to conceive that these should be more unlawful than Vicars, and Appropriations *ad Mensam*; which are part of the ancient Endowments of some Bishopricks, as *Winchester* and *Salisbury*, and there is no great difference between a *Commenda perpetua*, and an *Appropriation*; only one is for a single Life, and the other for a Perpetuity.

The

The next remarkable Case was that of *Colt* and *Glover*, against the Bi-
Moor 898. shop of *Litchfield* and *Coventry*, 10 *Jac.* 1. who had obtained a *Commendam* under the broad Seal, for as many Benefices as should not exceed 200 Marks; which Case was solemnly debated by the Judges in the Exchequer-Chamber; some of the Judges were wholly against the *Commendam*, as unlawful; whose Reasons were answered by *Dodderidge*, but he thought that *Commendam* void, because it was too large
Hob. 140. and indefinite. *Hobart* Chief Justice, made an elaborate Argument in this Case, which is to be seen in his Reports. The substance of it is, that he meddles not (1) with the King's Supreme Power; but with the ordinary Power by the Statute 25 *H.* 8. *c.* 21. nor (2) with a *Commendam retinere*; which he saith is no *Commendam*; for a Man's own Benefice
150. 153. cannot be commended to him: nor (3) with a *Commenda perpetua*, which this is not, but so long as he lives and continues Bishop of that See. But he condemns this sort of *Commendam* for the uncertainty of it, the Churches being full, and defectiousness as to the Patron's Consent, and as to the Term of it. For, he allows *Commenda perpetua*, if it be absolutely for Term of Life; but he will not allow this Condition so long as he continues Bishop; because the Perpetuity of the Incumbent cannot be diminished; so as to take a Benefice for 3 or 4 years, or so long as he shall remain Bishop of such a Dioceſs. But the Lord Chief Justice
Vaugh. 27. *Vaughan* in the case of *Edes, and the Bishop of Oxford* saith, that the King may grant a *Commendam retinere*, as long as a Man continues Bishop there; because no Property is alter'd by a Dispensation, but if he takes a Presentation to a new Living by his *Commendam*, and doth such things whereby the Property is changed, then he thinks it must be for Life. But according to *Hobart*'s Opinion this seems somewhat strange to me; that a *Commendam* for Life should be good, that a *Commendam* for retaining a Benefice for years should be allowed; but a *Commendam* for Life, or so long as the Person continues Bishop of such a Place should be void, where lie *the Incongruities and Absurdities in Law*, which cannot be born? It is that there ought to *be Vinculum Conjugale, between the Rector and Rectory?* Then no *Commendam* can be good; for the *Vinculum* lies in the Institution and Induction; and he is not seized in Fee in one Case more than the other. *But the words are ample enough to make a full Incumbent.* What? Without committing the Pastoral Care by Institution? In the Case of Appropriations it is allowed to be good Law, that by the words the Grant of the perpetual Incumbency passes without Institution. Why then may not a *Temporary Commendam* be as good in Law, if it pass by good Authority? Were not such allowed before 25 *H.* 8? And how comes the King's Power to be so abridged? *Hobart* doth not deny, but the Pope might grant such by the Canon Law, but from thence he observes *the Fallibility of Foreign Authors, and Foreign Practice.* How doth it appear in this Case? Hath our Law any where declared the contrary? No, but it requires *Institution and Induction, and these must be executed according to the Form prescribed by Law, and cannot be modified.* Then, all *Appropriations* and *Commendams* for Term of Life must be void in Law; and I can see no Reason why those should be good without Institution, and the other void for the want of it. *But the Nature of Freeholds by Law cannot be alter'd by the Popes Authority.* Very true, but that is not the Question; but whether the Profits of a Free-hold cannot be assigned by legal Authority for a Term of Years? Which is the same kind of Provision,

as

as in a *Commenda perpetua*, but only differs in the Expiration of it.

But no such Commenda *is to be found in the Books of Law.* That's strange, when it is confessed, that 11 *H.* 4. *Thinning* and *Hankford* agree, that the Pope may grant to a Bishop to take Benefices *de Novo*, which is the Power of granting *Commendams*; and there is no Limitation, whether for Years, or for Life. And in common Reason the former is the better, because it best serves the Churches Necessities in smaller Bishopricks. And Necessity is the best Ground for any *Commendams*. But as to *Commendams retinere*, his Words are full and clear: If an Incumbent takes a Bishoprick, and obtains a Dispensation to hold his Benefice for 3 Years, he saith, there is no Injury done either to the Church or Patron; for altho' it be *Damnum* it is *absque injuriâ*. Which is sufficient for our present purpose. Hob. 155. Hob. 156.

In the Case of *Hoodly* and *Manwaring*, the Case of a *Commendam retinere* was considered by the Judges. For the Incumbent was made Bishop in *Ireland*, 37 *Eliz.* but before Consecration obtained a *Commendam* of his former Benefice for 6 Years; this Case was argued by the Judges, 22 *Jac.* I. saith *Crook.* But in this Case the Judges differed. *Hutton* said, that he would not deliver his Opinion about the King's Prerogative, but gives Intimations enough against it; and withal saith, that if the King had it, he thought his Turn served by that *Commendam*, because he thought the Limitation for Years void, and that he had a Title for Life. *Winch* asserted the Prerogative, and produced Precedents for it, where the King had presented in *England*, upon his making a Bishop in *Ireland*. *Hobart* concurred as to the Prerogative: But it is observable as to Justice *Hutton*, that although he questioned the King's Title to present upon Creation; yet he doth not deny that the King may dispense before Consecration, but he can never have a Title after he hath dispensed. For this he saith is dispensing with his Prerogative; because the *Commendam* according to him must be for Life, because he that hath it is free Incumbent: And for this he alledgeth *Parkhurst*'s Case; which, saith he, proves that the King may dispense, and that the *Commendatory* hath full Power to resign; and withal, that the King's Turn is satisfied with the Dispensation. This comes home to the Case, if it will hold. But I am not satisfied as to the main point, *viz.* That a Dispensation for Years is all one with a *Commendam* for Life. *Hobart* we see was quite of another Opinion; and the Reason of the Mistake was not distinguishing the Right of Incumbency before his Creation, and after by virtue of the *Commendam*. For *Hutton* grants that when an Incumbent is made Bishop, his Benefice is void by Common Law, then the first Title is gone, and all his Right after is only by his *Commendam*; but by that he hath a Right only for a Term of Years. But as his Opinion is delivered by *Cr. Jac.* 692. he thought any such Limitation void in it self, and that he had a permanent Estate for Life. Which Opinion must overthrow all such Dispensations which himself allows; for an Incumbency for Life must by our Law be by Institution and Induction; and that can signify nothing here, because the Benefice is good by Creation. The main Difficulty is as to separating the Profits and the Cure which the Law supposes to go still together, and so they ought to do in all common and ordinary Cases; but the Question is, Whether the Supreme Power may not dispense with Residence for a Publick Winch 94. Crook. 2. 691. Winch 95. Winch. 96 Winch 95.

Good. For which we are to consider, (1.) That Church Revenues were at first in common, and the Bishop had his share out of the common Stock, and he allotted to the Presbyters as he saw convenient. (2.) The Settlement of Parochial Duties was not done by any Law at first, but according to the Discretion and Judgment of the Bishops. For when the Tythes were first granted, it was here by the Laws of the several Kingdoms in the Heptarchy, without any formal Division of Parishes, which was a Work of Time and Discretion. (3.) The Bishopricks being sufficiently endowed in those times, the Bishops did then part with their shares in the other Revenues of the Church, and left
Moor 905. them to the Parochial Clergy. (4.) Where Bishopricks are mean and insufficient, it is no unreasonable thing to make a Provision for them, out of vacant Places in their Dioceses, or to continue their former Benefices for that End. (5.) The King hath by the Law a Power to dispense in such a Case, even before the Acts of *Supremacy*. Which *Ho-*
Hob. 147. *bart* calls *his natural Power of dispensing in Spiritualibus*, which he makes
Latch. 32. 244. to consist in two Acts. 1. A Power to retain a Benefice with a Bishop-
Noy 94. rick, 11 *H.* 4. 60. 2. To hold more Benefices at the same time, 11 *H.*
Jones 160. 7. 12. (6.) If the King hath a Prerogative by Promotion, that is not served by such a Dispensation. For the Power of dispensing is not by the Right of Promotion, being inherent in the Crown; and therefore what accrues by Promotion, must be subsequent to it. Justice *Hutton* went upon that Ground, that every *Commendam* was for Life however expressed; but *Hobart* so well saw the Distinction between them, that he looked on a *Commendam retinere*, but as a Dispensation in Law.

All the Difficulty lies in a *Commendam* for Life, whether that be not instead of the King's Turn to present. But here we must distinguish between the preventing an Avoidance, and the filling it up. In the *Commendam retinere*, there is only an Avoidance prevented by the King's Dispensation: But in a *Commendam* to take a vacant Benefice, there is an actual Avoidance, and the Place is to be filled with an Incumbent, which makes the Case much harder; for the Patron loses a Turn upon
Vaugh. 27. an actual Vacancy; but in the other Case, as *Vaughan* well saith, *a Dispensation gives no Property, nor takes away any: But if a Man hath a Dispensation to hold his Benefice for three Years, when that time is expired,*
25. *the Benefice voids, as it would have done at the first, if there had been no Dispensation.*

Latch. 31. The last Case I shall mention is that of *Evans* and *Ayscough*; which
Jones 158. arose upon *Thornbergh*, Dean of *York*, being made a Bishop in *Ireland*, 36 *Eliz.* upon which he obtained a *Commendam retinere* for his Deanry: Some Years after he was removed to *Bristol*, 1 *Jac.* and then gets another *Commendam* for the same Deanry. The point in Question was,
Latc. 250. Whether a Commendatory Dean could confirm a Lease or not? And
Noy 94. after a solemn Debate, and several Arguments, the Judges agreed that the *Commendam* was good as to the Deanry, and not meerly as to the Profits; because the King had the Power by Law to dispense with holding it together with his Bishoprick. And *Montague* Ch. Justice said in
Moor 304. 111. the former Case, that all the Judges were agreed that the King had Power to grant a *Commendam*.

As to the Act of Parliament, in this Case I can see no Difficulty therein; for *the Intention* of it was not to found a Donation, but to continue the former Incumbent in his own Right, but as it was made a

new

new Parish; and so it is but a kind of *Commendam retinere* by Act of Parliament. But it is unreasonable to suppose that an Act of Parliament, which only designs *to settle* the Ordinary Turns of *presenting* should exclude the King's Right upon promotion. For whether the Parish be new or old signifies nothing in this Case; for the King's Right doth not arise from prescription on particular Parishes, but from a general Reason which takes hold of every new Parish as well as old: For as soon as it becomes a Parish it is liable to all the common Incidents of parochial Churches. Of which this Right of presenting upon promotion is one.

There are two Objections remain still to be answered,

1. *That if this Prerogative be allowed, it will hold* toties quoties, *and so the Patron will lose his Right without his Fault.* To this may be answered, that a possible *Inconvenience* in particular Cases, which rarely happens, doth not take away a *General Right.* The Question is, whether *the King* hath such a Right or not; it is not, what will follow upon it; but whether it be so, or not. There are many things allowed in Law, which are never to be brought in Question for *Inconveniencies* that may possibly happen. But all the Inconvenience in this Case is only possible, and not certain; and possible only as to Turns, and not as to the Right it self. Vaugh. 16.

2. *That St.* James's *Church is a Donative by Act of Parliament, and so not subject to the Prerogative.* But this proceeds upon a Mistake, as though a Benefice subject to Institution, and Induction, could be made a Donative; whereas the very *Institution* and *Induction*, takes away the Nature of a Donative; as *Coke* and others positively affirm. Now in this Case the Right of Advowson goes along with the Act, and by it the *Patrons* are *invested with a Right* to present; how is this consistent with a *Donative?* If there be a Right of *Presentation*, and *the Incumbent* be liable to *Institution* and *Induction*, and the Living to a Lapse, it is impossible that it should be a *Donative* created by Act of Parliament. But if it be made a *Benefice* like others, as appears by the Act, for what Reason should it not be liable to the same Rights of promotion that others are? 1 Inst. 344. Cr. 2. 63.

But the King consented to the Act. What then? He gave his Consent to make it a new Parish; and to *settle the Rights* of Advowson; but he did not as to the taking away any Right belonging to himself in Right of his Crown; and therefore cannot be excluded from it by this Act.

A DISCOURSE of the True ANTIQUITY *of* LONDON, *and its State in the* Roman *Times.*

Tacit. Annal. 14. c. 33.

§. 1. THE first mention we find of *London* is in *Tacitus*, where he speaks of *Suetonius Paulinus* returning from the Assaults of *Mona*, (i. e. *Angleſey*) upon the Revolt of the *Britains*, and making his way thither, through the midſt of his Enemies. On which Occaſion he takes notice, *That* London *had not the Honour of being called a* Roman Colony, *but yet it was even then famous for its Number of Merchants, and all ſorts of Accommodations.* He doth not *celebrate* it for its *Antiquity*, as *Ammianus Marcellinus* doth long after; but for its great Conveniency for Trading, and the Pleaſantneſs of its *Situation.* For immediately after, giving an Account, how *Suetonius* was forced to forſake the place, for want of ſufficient Number of Soldiers to defend it, he adds, *That he took away as many of the Inhabitants as would remove into the Charge of his Army; but thoſe whom either Weakneſs or Age, or the Sweetneſs of the Place kept behind, were deſtroyed by the Enemy.* This *Enemy* was *the Britiſh Army* under the Command of *Boadicea*, the Relict of *Praſutagus* King of the *Iceni*; who being very ill uſed by the *Romans*, to whoſe Protection their dying King had left them, took up Arms under the Conduct of *Boadicea*; and ſoon drew in the *Trinobantes* to join with them. For, now they diſcerned, that the *Roman*'s Deſign was to reduce them to Slavery, under the pretence of making them a *Roman Province*; and to this end they had lately *ſettled* a *Colony* of *Veterans* at *Camalodunum*, where they drove out the *Britains*, and took poſſeſſion of their Houſes, and Lands, and *erected* a *Temple* to *Claudius*, and ſet up *the Image* of *Victory*, and made *ſuch Prieſts, as might exhauſt the* Britains *under a ſhew of Religion.* Theſe things, together with the inſolent Behaviour of the *Veterans*, and *the Roman* Soldiers towards the *Inhabitants*, ſo highly provoked them, that they reſolved to ſell *their Liberties* at a dearer rate than the *Roman* Governours imagined. And ſo taking Advantage of the Abſence of *the Roman Army*, and the Security of the New *Colony*, the *Britains* in great Multitudes fell upon it, and burnt down the greateſt part of it; only the *Temple* eſcaped, whither *the Soldiers* fled, which after two days *Siege* was taken. Then they marched againſt *Petilius Cerealis*, and beat the *9th Legion*; killing *the Foot*, and making *the Horſemen* fly to their Camp; the noiſe of which Overthrow had a very different Effect on *two Roman Officers*: For, it made *Decianus Catus*, *the Procurator*, haſten into *Gaul*, and *Suetonius Paulinus* to return with all poſſible ſpeed to *London.* Being come thither with great Difficulty, he debated with himſelf, whether he ſhould make *London* the Seat of the War, or not. But upon conſideration, he found his Forces not great enough to defend it; and therefore giving notice to as many to depart as had a mind to it, he abandoned *the City*, chooſing rather to *ſacrifice that*, than to hazard all. And ſo *London* fell under *the ſevere uſage* of the inraged *Britains*: For as many as *were left were deſtroyed.* The ſame Diſaſter befell the *Roman Municipium* at *Verulam*; for the *Britains* in

Londinium perrexit cognomento quidem Coloniæ non inſigne, ſed Copia Negotiatorum & Commeatuum maxime celebre, Ammian. Marcell. *l.* 27. *c.* 8.

Londonium vetus Oppidum *&c.*

Si quos imbellis Sexus, aut ſeſſa ætas, vel Loci Dulcedo detinuerat, ab hoſte oppreſſi ſunt.

that

that Heat, did not ſtay to beſiege *Caſtles* and *Fortifications*, but ran thither, where the greateſt Prey was; not ſparing the Lives of any who came under *their Power*, who were ſo many, that *Tacitus* reckons *ſeventy thouſand Citizens and Confederates who were killed in theſe Places.* But *Dio* ſaith, *that in this Inſurrection the* Britains *deſtroyed two Cities*, *and* 80000 *Men*. And by comparing *Dio* and *Tacitus* together, it appears that *London* was one of theſe *Cities*, and very well inhabited then; which was above 1622 Years ago. From hence we may reaſonably conclude, that *London* was *at that time* a *Roman City*; and inhabited either by *Citizens* of *Rome*, or ſuch as were confederated with them. But it was of a *different Nature* from *the Roman Colony* at *Camalodunum*; or *the Municipium* at *Verulam*; and yet no *Præfecture*, as Mr. *Camden* ſuppoſes. For that was a *State* of hardſhip and ſervitude, the People having no Laws, or Magiſtrates of their own; to which ſeveral *Cities* in *Italy* were reduced for *their Falſeneſs*, or *Ingratitude* to *the Roman State*, as *Sigonius* hath truly obſerved; but I ſee no ground to ſuſpect, that *London* was *treated* otherwiſe than with great Kindneſs by the *Romans*; all *the Hardſhip it then ſuffered*, being from *the Britains.*

Dio in Xiphil. Crit. p. 168.

Britan. p. 304.

Sigon. de Jure Ital. l. 2, c. 10.

But becauſe this may look like a ſtrange *Paradox* to thoſe, who from our common Hiſtorians believe *London* to have been an ancient *Britiſh City*, long before *Cæſar*'s coming, I ſhall therefore endeavour to clear *this Matter*, by an Enquiry,

(1.) Into the true Original of *London.*
(2.) Into its *State* and *Condition* during the *Roman* Government.

And when I have diſpatched theſe two I ſhall conſider,

(3.) Whether there were any Temple of *Diana* ſtanding in that part of the City, where the Foundations of St. *Paul*'s Cathedral are laid.

This is *the Method* which I intend to purſue in the following Diſcourſe.

I begin with the Original of the City of *London*; which I deſign to prove to have been firſt built by the *Romans*, and that by ſhewing,

(1.) That there was no ſuch *City* when the *Romans* came firſt to conquer *Britain.*
(2.) That the other *Britiſh Cities* mentioned by the *Britiſh Hiſtorians*, were no elder than the *Romans ſettling here*; and therefore it is not probable that *London* alone ſhould be of greater *Antiquity.*

(1.) To prove that there was no ſuch City, when *the Romans* came to conquer *Britain:* I need no more than to ſhew, that there is not the leaſt mention of it, in the *Expedition* of *Cæſar* or *Claudius*, and yet it was impoſſible to have avoided it, if there had been ſuch a *City* then. When *Cæſar* came over into *Britain*, he ſaith, he deſigned to underſtand as much as he could concerning it; and then he was certainly able to give an Account of *the Cities* and *Towns* here. And both theſe are mentioned by him: In one place he ſpeaks of the *ſeveral Cities*

ties of Britain, *which sent their Embassadours, and offered Hostages to him*; and in another, *that at his going away the Princes met, and commended themselves, and their Cities to his Protection*; again he mentions, *the Maritime Cities of* Britain; *the Cities* Classivelaun *had war with*; *and the strong City of the* Trinobantes: So that one would think *Britain* had rather more Cities, than *Geoffrey* of *Monmouth* gives it. But all this arises from want of considering the Propriety of *Cæsar*'s Expressions; for he doth not take a *City* for a *Place*, but for a *People*, united under one Government, having Laws and Privileges peculiar to themselves. And I do not remember one Passage in *Cæsar*, where he useth *civitas* in another Sense. But if a *People* so united had other lesser Divisions; those were called *Pagi* by him; so he saith, *the City of the* Helvetians *was divided into* 4 Pagi, *i. e.* so many *Cantons*, and so the *Pagus Tigurinus* is said by him to be *a part of the City of the* Helvetians. Thence *Joseph Scaliger* observes the French word *Pais* to be taken: And thence the *Germans* use *Paguus* for the same, which we mean by a *County*. So *Ammianus Marcellinus* speaks of the *Pagi Alamannorum*, which among the *Germans*, saith *Freherus* were generally divided by Rivers; for by them as *Tacitus* takes notice, the old *Germans* were wont to seat themselves not in any Cities; for, saith he, they would not bear any Houses being joined together; but they had separate Habitations near the Head of a River, a Wood, and a Plain. *Meibomius* and others, after *Festus*, derive the Name *Pagi* from the *Dorick*, πηγὰ a Fountain; and so those who drank together of the same Fountain were *Pagani*; which Name at last remain'd to those who worshiped the *Fountains*; and so came to be applied to the *Heathens*; which is so called from the *German Heiden*, which signifies a *Heathy Ground*, where they worshipped the *Trees*; these two being the last Monuments of *Heathen Idolatry* in these parts of the World. The *Pagi* among the old *Saxons* were called *Schyres*, saith the same *Meibomius*; for which *Lindenbrogius* quotes the old *Saxon MSS. Glossaries*; and these *Pagi* as *Bignonius* observes, had generally the *Comites* presiding over them; whose residence was, saith *Freherus*, *in Burgo: i. e.* in *a fortified Place*; for so in *Cyril*'s *Glossary* πύργος is rendred *Burgos*; and here was the publick *Hall*, or Meeting for Justice. Which in time was the Original of many Cities, when Persons thought it most convenient to live near the Place of Business and Government, promising themselves greater Security and Protection, under the Eye of the Magistrate. And most of the Cities of *Europe* have risen one from of these 3 Causes either from *Roman Colonies*, as the most considerable Cities in *Gaul* and *Spain* have come from them; when *Augustus* as *Dio* saith, sent so many Colonies thither; or from *Merchandice*; when Persons for the Conveniency of Trading, found it necessary to live together upon some great River, or near the Sea; which was the Rise of those Cities called *Emporia*, or *Trading Colonies*; or lastly, for *Security*, when they found themselves exposed to so many Hazards in their scattered and dispersed Habitations, and therefore thought fit to live together under Laws and Government. Such a fortified Place among the *Britains*, *Cæsar* calls by the Name of *Opidum*, or *Oppidum*; which according to *Varro* and *Festus* had its Name from the *mutual help* Men gave to one another and the works made for its Defence. Such an *Opidum Cæsar* saith *Cassivelaun*'s was: *viz.* a large Compass of Ground with Cattel and Hutts in it, and surrounded with Woods and Boggs, or fenced with a Mound and a Ditch. This *Cassivelaun*,

Cæsar. Comment. l. 4. p. 143. Ed. Montan. p. 149. l. 5. p. 166. p. 174.

V. Bergier Histoire de Gr. Chemins de l' Empire. l. 4. c. 8.

L. 1. Scalig. Lection. Auson. l. 1. c. 23. Am. Marcell. l. 18. c. 2. Marq. Fre. Orig. Palat. c. 5. Tacit. de Morib. Germ. Meib. de Sax. Pag.

Lindenbr. Gloss. ad Cod. LL. Antiq. Bignon. ad Marculphi Form. l. 1. c. 28.

Dio. l. 54.

Cæsar. l. 5. p. 175.

velaun, whom *Dio* calls *Suellan*, leaving out the first part of his Name, and saith, he was the greatest of the Princes of *Britain*, and was at that time King of the *Trinobantes*, after his destroying *Immanuentius*; and the *Thames* was the Boundary of his Kingdom, as *Cæsar* tells us. If therefore there was then such a City, as *London* is described by *Geoffery*, how came *Cassivelaun* not to retreat thither when he was pursued by *Cæsar*? For, if *Geoffrey* says true, *Lud* repaired the Walls of *London*, and compassed it about with innumerable Towers; and commanded the Citizens to build their Houses in such a Manner, as there was not a fairer City in many Countries, and it was from him called *Caerlud*, and by Corruption of the word *Caerlondon*, (but in *Nennius* and *Huntingdon*, it is *Cair Lundein.*) A late learned Man conjectures that this was called by *Cæsar Trinobantes*, because the Name of *London* was not yet received, there being a Quarrel between *Lud* and *Nennius* about the Change of the Name; or *Lud* being Brother to *Cassivelaun*, he would not make use of it. I confess, if those ancient MSS. of this *Nennius*, or of *Gildas Cambrius* about this dispute could be once brought to light, (although *Boston* of *Bury* and *Leland*, never had the Fortune to hear of them) there might be some hopes to obtain greater Satisfaction about these remote Antiquities of *London*; but as things are, I cannot be convinced that *Cæsar* could be so wonderfully mistaken about *Cassivelaun*'s Town, as not to distinguish between a Wood and a City; and between Boggs and Towers. The truth is, *Geoffrey*'s Relation and *Cæsar*'s can never stand together; not only as to *London*, but as to his whole Expedition: For he not only makes *Cassivelaun* to beat *Cæsar* out of *Britain* the first time, but the second also. For, saith he, upon the first notice of his second coming, he fortified his Cities, and repaired the Walls, and placed Souldiers in the Ports, and put Iron Stakes in the *Thames*, (not to hinder his Passage over, as *Cæsar* saith) but his coming up the *Thames* to *Ternovant*, (so he calls *London*) which did such mischief to his Ships that he was forced to land his Men; and there was so over-powred by *Cassivelaun*, that he fled to his Ships, and returned to the Coast of the *Morini*. Upon this, *Cassivelaun* appoints a solemn day of Triumph in the City of *Ternovant* with his Nobles; where a quarrel happened between *Androgeus* Son to *Lud* and *Cassivelaun*; which proceeded so high that the former invited *Cæsar* over again, and sent his Son as a Hostage to him, and the other laid Siege to *Ternovant*; then *Cæsar* came, and by the help of *Androgeus* had the better of *Cassivelaun*, who by his means was reconciled to *Cæsar*, and so *Britain* was brought under Tribute to the *Romans*. This is the short of *Geoffrey*'s Account of these Matters. Here we find *Cæsar* attempting to surprize *London*, and *Cassivelaun*'s Triumph in it, and that he afterwards besieged it, but upon *Cæsar*'s landing, marched off to meet him. And it is reasonable to suppose, if *London* were so great a City then, that the great Scene of War and Peace must be acted there. But how then comes it to pass, that *Cæsar* himself takes not the least notice of any such City? He tells us, he came up to the *Thames*, crossed over it with his Army, pursued *Cassivelaun* to his Fastness, which he called a *Town*, beat him out of it, brings him to Submission, charges him not to meddle with *Mandrabatius*, or the *Trinobantes*, takes Hostages, and so leaves *Britain*. How could all these things happen so near the *Thames*, and when *Cassivelaun* was forced to retreat, and yet no mention at all of such a strong City so near at hand as *Lud* had made *London*? Suppose

Galfr. Monum. Hist. Brit. l. 1. c. 22. Ed. Bad. Asc. Sheringh. de Angl. gentis Origg. p. 21.

Galfred c. 23.

c. 24.

pose *Cassivelaun* purposely withdrew to prevent the Spoil of so fine a City; yet how came *Cæsar* not to visit it in his Return, nor once to speak of it, to heighten the Glory of his Enterprize? For he was concerned in point of Reputation to make as much of it as he could; since some of the great Men at *Rome* wonder'd at his Design in going over into *Britain*, and hazarding the *Roman* Legions upon so slender a Pretence; as the Suspicion that some *Britains* assisted the *Gauls*. What could more vindicate his Honour in it, than to let the *Romans* understand how many Cities there were in *Britain*, and above all the rest, one that did outvy most other Cities in the World; which had been newly fortified and adorned with many beautiful Towers but a little before his going for *Britain?* They who consider how punctual *Cæsar* is in giving Account of all the considerable Places he met with in *Gaul*, their Camps, Fortifications, and such Cities as they had, cannot imagine that he should wholly leave out such a City as *London*, if it had been then in being? So that *Cæsar*'s Silence signifies far more in his Circumstances against *London* at that time, than all the Testimonies yet produced can do for it. But this is not mere silence in *Cæsar*; for he tells us, what kind of *Towns* the *Britains* then had, *viz.* nothing but some Fortifications by Woods, and Boggs, and Ditches, wherein they endeavoured to secure themselves in Case of War; but at other times they had scattered Houses like the *Germans* and *Gauls*; and as *If. Casaubon* observes from *Cæsar*, *the Houses of the* Gauls *were then nothing but thatched Cottages.* And *Diodorus Siculus* saith, *the Habitations of the* Britains *consisted of Reeds and Sticks put together.* *Strabo* gives an elegant Description of the Cities of the *Britains*, when he saith, *they inclosed a large Piece of Ground with the Bodies of Trees, and therein they set up their Cottages and Stables for their Cattle, which were intended for no long Continuance.* For as *Herodian* saith of the *Germans*, *their Habitations were so mean, because they did not understand the way of building by Stone or Brick:* Which the *Romans* instructed these parts of the World in, and so became the great Instruments of building Cities and Temples. And *Tacitus* in the Life of *Agricola* takes notice, that whereas the *Britains* lived *rude and dispersed, he instructed and assisted them in building Temples and Houses, and Forums, or Places of Publick Resort.* But what need all this Care, if the *Britains* had so many Cities, and so well built, before ever the *Romans* set foot in *Britain?* And if that be true, not only *Cæsar*, but all the other *Roman* Historians carried on the same uniform Design to make Posterity believe the *Old Britains* lived *rude* and *dispersed*, as other Neighbouring Nations did, whereas in truth they had 28 famous Cities, and *London* in the Head of them; which in those times was called *Troynovaunt*; the place being chosen out by *Brutus* as the fittest to build *New Troy* in, because of its admirable Situation.

Casaub. in Strab. l. 4. Diod. Sic. l. 4. Strab. Geogr. l. 4. Herod. l. 7. p. 591. ed. Sylb. Tacit in Vit Agric.

The next considerable Expedition into *Britain* was that of *Claudius*. For, after *Cæsar*'s *Attempt* rather than *Conquest*, (having gone no farther than those he calls *The Maritime Cities*, which were peopled from *Gaul*, among whom *Comius* King of the *Atrebates* had so great sway) the following Emperours would not concern themselves about the Affairs of *Britain*. *Augustus*, as *Dio* tells us, once gave out at *Rome*, that he intended an Expedition into *Britain*, and great preparation was made for it, but being come into *Gaul*, Embassadors went from the *Britains* to him, who accepted their Terms of Submission, his chief design being

Strab. l. 4. Tacit. Vit. Agric. Dio, l. 53.

being to settle the Provinces of *Gaul* and *Spain*. And afterwards *Strabo* saith, That there was a fair Correspondency in his time, between the Kings of *Britain* and *Augustus*; they courting his Favour by Presents which they sent to the Capitol. It is certain, there was no *Roman* Garrison here, and *Strabo* gives two reasons for it; one is, That it would hardly quit cost; for at the least, there must be a whole Legion besides Horse, which would more than eat out the Profit that came by it; another is, That it would but provoke and exasperate the *Britains* more: And therefore the *Romans* accepted a very easie Tribute from them; such as lay in those small Commodities of Ivory and Amber, and such like, which they sent over into *Gaul*. Strab. *l.* 4.

It seems that when *Augustus* set Bounds to the *Roman* Empire, *Britain* was left out of it; and therefore little notice was taken of it in the Reign of *Tiberius*, who as *Tacitus* observes, followed *Augustus* his Judgment therein, and made it a Rule to himself. But in the time of *Caligula*, *Adminius* Son of *Cunobelin*, being driven out by his Father made Application to him, who thereupon undertook his ridiculous Expedition, remarkable for nothing but the famous *Watch Tower*, which he built on the Shore: Which some Learned Men take to be the *Arx Britannica* formerly standing on the Banks of *the Rhine*. Others, *the Tower on the Port of* Bolein, which *Bucherius* saith, he examined with great care, and found it to be a *Roman* Work; and he thinks it the most noble Monument of *Roman Antiquity* on this side *the Alps*. *Malbranch* saith, The *French* call it *Tour d'Ordre*; which by *the middle Age Writers* was called *Odrans*, and before that *Ordans*, which he supposes to be taken from *Turris ardens*, because it was a *Pharus*, or Watch-Tower for those who sailed upon those Coasts. Tacit. Vit. Agric. Suet. Vit. Calig. *c.* 44. Jun. Batav. *c.* 10. Camden. Brit. *p.* 29. 852. Selden. Mare Cl. *l.* 2. *c.* 3. Bucher. Belg. Roman. *l.* 4. *c.* 10. *n.* 13, 14. Malbranc. de Morinis Tom. 1. *l.* 2. *c.* 5.

But *Claudius* began the most memorable Expedition into *Britain* in his 4th Year, as *Orosius* computes it, which gave a mighty turn to the Affairs of *Britain*. It happen'd that *Claudius* was very ambitious of a Triumph, but wanted a good Occasion for it; and there being then in *Rome* one *Beticus*, as *Dio* relates it, who was a *Britain*, and banished for Sedition, he perswades *Claudius* to undertake the Conquest of *Britain*; the *Britains* being then tumultuous, because the *Romans* did not send back their Fugitives, such as *Beticus* himself was. *Claudius* not a *little* glad of the Opportunity, sends away *A. Plautius*, then *Pretor*, with a good Army into *Gaul*; and not without great difficulty he perswades his Army to venture into *Britain*, where *Cæsar* had much adoe to maintain his *Reputation*, and returned, as *Dio* saith, with the Glory of having made an *Expedition* into *Britain*, having rather frighted the *Britains* than subdued them, as both *Dio* and *Tacitus* insinuate; however, the *Romans* in great civility, decreed him a Supplication of 29 Days, for the Honour rather of a *Discoverer* than of a *Conqueror*. The *Britains* hearing of the Disorders in the *Roman* Army, thought themselves secure; and therefore when *A. Plautius* landed with his Forces, being not in a condition to resist them, they thought it Wisdom to retire into their Woods and Boggs, hoping by that means to tire them out, as, saith *Dio*, they had done *Julius Cæsar*. Orof. *l.* 7. *c.* 6. Dio, *l.* 60. Sueton. in Claud. *U.* 17. Dio, *l.* 30. Tacit. Vit. Agric.

The *State* of the *Britains*, as he tells us, then was *Monarchical*, but under divers Kings; who had such small Principalities, that *Cæsar* himself saith, there were Four in *Kent* alone, *Cingetorix*, *Carnilius*, *Taximagalus*, and *Segonax*; but all these at that time were in subjection to *Cassivelaun*, who commanded in chief for that War; and sent his Or- Cæsar. *l.* 5.

ders to them, which they readily obeyed. But at this time, they had not consulted or could not agree upon a Supreme; which, as *Tacitus* observes, proved at last the Ruin of the *Britains*, not being united under one common Head; for while each fought for himself, they were all destroyed. *Strabo* saith, the *Britains* lived under several Dynasties; and *Diodorus Siculus* to the same purpose, that they had many Kings and Lords among them; and so likewise *Pomponius Mela*; but these two differ very much in the Consequences of this *Government*: For *Diodorus* saith, they generally lived peaceably together; and the other just contrary, with whom *Jornandes* agrees; and which is more, *Tacitus* confirms it; who adds, that it was a rare thing for them to unite their Councils or Forces; all *little Governments* being weak and distrustful; and although unable to defend themselves, yet had rather perish than yield to an Equal.

Tacit. Vit. Agric. Strab. *l.* 4. Diod. *l.* 4. Mela. *l.* 3. *c.* 6. Jornand. de rebus Get. *c.* 2.

This was too much the Case of the *Britains*, upon the Invasion of *the Roman Army*; all their business was, not to unite together to make Head against a common Enemy, but to shift for themselves, by which means they were conquered almost as soon as discovered; as appeared by the flying of *Caratacus* and *Togodumnus*, Sons of *Cunobelin*; and after *the Battle* with *C. Sidius Geta*, *Dio* saith, the *Britains* made as fast as they could towards the Mouth of the *Thames*, where they secured themselves in the Marshes for a time, till at last the *Romans* found a way to them, and made great slaughter among them, not without a considerable loss to themselves. But the *Britains* being now made desperate, were so far from being discouraged by the Death of *Togodumnus* that they were resolved to revenge his Death, and to make a standing War of it. And now, according to his Instructions, *A. Plautius* sends word to *Claudius* of *the present State* of his *Affairs* here, and that it would be a seasonable time for him to appear in the Head of his Army. Who immediately dispatches all things in order to a solemn Expedition, and coming into *Britain* finds the *Roman* Army waiting for him, on the side of the *Thames*, and the *Britains* on the other side; and then, saith *Dio*, crossing the *Thames* he fought the *Britains* and overcame them, and then took in *Camalodunum* the Royal Seat of *Cunobelin*. *Suetonius* very spitefully, will not allow one Blow to be given, nor a drop of *Blood* to be shed while *Claudius* was here; but he grants he made a magnificent Triumph upon *the Victory* over the *Britains*. Whether *the Battle was fought* before or after *Claudius*'s coming is not material to my Business; but I see no reason to mistrust *Dio*, who is so particular in his Relation, and had seen what *Suetonius* had said. But that which I observe is, That all this while, when the *Seat* of *the War* was about *the Thames*, there is not the least *intimation* given of such a *City* as *London*; which could not have been avoided, if it had been then built. For why should not the *Britains* have *retreated thither*; and the *Romans* have laid Siege to it? Why, after *the Battle* should not that much rather have been mentioned than *Camalodunum* as the Royal Seat of *Cunobelin*. And since *Vanity and Ostentation* led *Claudius* hither, why should we imagine the Name of the greatest City in *Britain* should be concealed? What an Addition had this been to *the Pomp of his Triumph*, to have had *the Rrepresentation* of so famous a City as *London* is said to have been at that time? For so *Strabo* saith, The *Custom* was *in Triumphal Pomps to set forth in glorious Scenes the Places they had subdued.* And besides, there is not the least mention of it in the *following Prosecu-*

Strab. *l.* 3.

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tion of this War under the *Roman Lieutenants*, although *Vespasian* fought, as *Suetonius* confesseth, *thirty Battles* with the *Britains*, took 20 of their Towns (or fortified Places) and subdued *two whole Nations* and the Isle of *Wight*. Suet. in Vespas. c. 4.

The only considerable *Objection* against the former Discourse is from a certain *Coin* mentioned by *Camden*, among those of *Claudius* relating to *Britain*; wherein on one side is nothing legible but *Britannicus*, in great *Letters*; and on the other, *Metropolis Etyminii Regis*, as he reads it; and then there are two Syllables on the Reverse, BA AO. in that of *Octavius Strada*, which some have ingeniously conjectured to stand in *the Greek* for ΒΑΣΙΛ. ΛΟΝΔ. and so to be a plain Evidence that *London* was then a *Metropolis*, and this *Etyminius* King of it. But there are several things which keep me from being so transported with this Conjecture, as the Authors I mention are. For (1.) The reading of the Reverse is very uncertain. *Camden*'s Coin had not so much as that of *Octavius Strada*; and those Readings produced by *Occo*, *Ortelius*, *Tristan* and *Spanhemius* are very different. *Tristan* refers it to ΕΠΙΝΙΟΝ ΒΑΛΟΙΩΝ, *Epineium* being a Maritime City of *Macedonia*; but saith *Spanhemius*, he hath joined two mean Cities of *Macedonia* to make *one Metropolis*. But that Learned and Judicious *Antiquary* observing other *Letters* in *Strada*'s Coin, which are not in *Camden*'s, KO being put before ΜΗΤΡΟΠΟΛΕΩΣ, and the following Words being ΕΠΙ ΜΙΝΔΙΟΥ ΒΑΛΟ, he conceives it to relate to *the Metropolis* of *Corinth*, and to one *Mindius*, then *Proconsul* of *Achaia* under *Claudius*. But because *Occo*'s Coin hath N before KO he therefore thinks it may as well relate to *the Metropolis* of *Nicomedia*, this *Mindius* being likewise *Proconsul* of *Bithynia*. But however this be, we see what a very uncertain *Foundation* this Coin affords to build *the Metropolis of London* upon. Especially (2.) When the whole Series of the *Roman* History at that time, with respect to the Affairs of *Britain*, have no ground for such a Conjecture. For, why should not *Dio* have mentioned this *Etyminius* being placed by *Claudius* in *the Metropolis* of *London*, as well as his taking *Camalodunum* for the Royal Seat of *Cunobelin*? If this *Etyminius* were the same with *Adminius* (as *Camden* conjectures) who fled over to *Caligula*, no doubt he would have been placed in the Royal Seat of his Father at *Camalodunum*; but there was *the first Roman Colony settled*, without any regard to the Son of *Cunobelin*, all the *Britains* Estates being taken from them. And this *Colony* was deduced in *Claudius*'s time, as appears by one of *Claudius*'s Coins in *Camden*; where, on one side is the *Effigies* of *Claudius*, with all his *Titles*; and on the other, a *Plowman*, *driving a Bull and a Cow*, according to the *Roman* Custom in setting out Ground for a *Colony*; and over it,

Britan. p. 65.

Nero Cæsar. p. 134. Burton on Anton. p. 158.

Tristan. Comment. Histor. p. 200.

Spanhem. de usu Numism. p. 648.

COL.
CAMALODON
AUG.

From hence I proceed to consider the other *British Cities*, whether any of them can be found elder than the *Roman* Times. A Catalogue of these we have in *Nennius*, and *Huntingdon*, and others; but the learned and accurate Archbishop of *Armagh* having transcribed a Copy of them out of two MSS. in the *Cotton* Library, and compared it with 9 others; I shall generally keep to the Readings that are in him, although not to the Method he sets them down in; but take them according to the *Roman Provinces* then.

Usser. Primord. p. 59.

I begin therefore with the Province of *Britannia prima*; and therein (1.) *Caer Mincip* or *Municip*, which was old *Verulam*, called by *Tacitus* a *Municipium*, and *Caer Municipium* in an old Inscription set forth by *Goltzius*. That it was a *Roman Town* appears by the Rage of *Boadicea* and the *Britains* against it; who from *London* went immediately thither, and sack'd it, and destroy'd the Inhabitants; and they were the more provoked by its being a *Municipium*, because this was a Device to draw the *Britains* in to betray their Country, by making them capable of *Roman Privileges*. *Camden* thinks that *Verulam* stood in that very place where *Cassivelaun*'s *Town* was; which agrees well enough with *Cæsar*'s Description of it, there being no other Marsh so considerable in those Parts as the great Pool formerly near *Verulam*; where, as *Leland* and *Humphry Llhuyd* say, *Anchors have been taken up*; but it was drained in the *Saxon* times, and turned into Meadows, as *Verulam* it self at last was, according to that of *Spenser*;

Tacit. An. 14.

Britan. p. 292. Leland. ad Cygn. Cant. Fragm. Descript. Britan. p. 20.

Spenser's *Ruines of Time.*

> Verulam *I was, what boots it that I was,*
> *Sith now I am but Weeds and Wastful Grass.*

(2.) *Cair Ceint*. This *Ranulphus Higden* saith from *Alphred* of *Beverly*, was *Canterbury*; called *Dorovernum* in *Ptolemy*, *Durovernum* in the *Itinerary*. This, as several other places in *Kent*, as *Leland* and *Llhuyd* observe, had the Name from the *British* Word *Dwr* or *Dour*, which signifies *Water*; as *Durobrevum*, *Dorolenum*, *Durovernum*, *Doris*, as he calls *Dover*. That *Canterbury* was a City in the time of the *Romans*, there is no question; for it appears by the *Itinerary*, that the way to 3 *Ports* lay through it, to *Rutupia*, not *Richborough* (but *Sandwich*) to *Dubris*, (*Dover*) *Ad portum Lemanis*, (to *Lim* or *Lomen* near *Hith*) from whence to *Canterbury* was one of the *Viæ Stratæ*, or old *Roman* Military Ways, as appears by the *Peutinger Tables*. But Mr. *Somner* thinks, that the *Roman* Watch-Tower was near *Lim-hill*, where the *Roman* Garrison was; but the *Portus Lemanis* he thinks was at *Romney*, where he shews the River *Lomen* did anciently run into the Sea, and made a convenient Haven at the Mouth of it. Four *Roman* Forts besides there were in *Kent*; *Richborough*, where the Garrison was upon the Hill Northward from *Sandwich*, (which he justly supposes to have been the *Port-Town*.) *Reculver*, where the *Tribunus Cohortis Vetasiano-rum* lay in Garrison, and where *Roman Coins* were frequently taken up, and the *Roman* Brick or Tile is still discernable: *Dover*, where lodged the *Præpositus Militum Tungricanorum*; and the Watch-Tower there, as Mr. *Somner*, after a diligent Survey, concludes, was the Square Tower in the midst of the Church or Chapel, where he found great store of *Roman* Bricks; and the like in the Castle-Hill at *Folkston*, whence *Camden* proves it to have been a *Roman* Fort. Thus we find the *Romans* had Ways, and Ports, and Forts in *Kent*. The Question now is, Whether the City of *Canterbury* were built by the *Romans*, or a long time before? If *Geoffrey* may be believed, it was built by *Hudibras* sometime after *Salomon*; but no manner of Proof is offered for it, not so much as Agreement in the Name, which *Annius Viterbiensis* generally took Care of. But I have one great Argument to prove, that *Canterbury* was built by the *Romans*, not from the *Roman* Coins found almost in all parts of the City, as Mr. *Somner* affirms; but from *Cæsar*'s Account of his 2d Landing, which is, that he marched 12 Miles before he espied

Polychronic. *l.* 1. *c.* 47. Leland in Doris. Frag. Descript. Britan. *p.* 13. *b.*

Mr. Somner's *Treatise of the* Roman *Ports and Forts in* Kent *since publisht.*

Geoff. *l.* 1. *c.* 14.

Antiquities of Canterbury, *p.* 3. Cæsar, *l.* 5.

ſpied the *Britains* Army, and then a River parted them, where they began to fight, the *Britains* having the Advantage of the upper Ground, but being beaten back by the *Roman* Horſe, they retired into a Wood, very well fortify'd both by Nature and Art, having all the Entrances ſhut with great Trees cut down on purpoſe. Here we have juſt ſuch another as *Caſſivelaun's Town*; which, as *Cæſar* ſaith, was ready made upon occaſion of ſome Quarrel among themſelves. Now if there had been ſuch a City as *Canterbury* in *Cæſar*'s time, it muſt have been mentioned here. For near the very place where *Cæſar*'s Army firſt eſpied the *Britains*, *Canterbury* ſtands, being at that diſtance from *Deal*, where *Cæſar* landed; there runs the River which parted the Armies, and on this ſide was the riſing Ground and the great Wood where the *Britains* hid themſelves, only ſometimes appearing in ſmall Parties; but the Seventh Legion at laſt beat them out of this Fortification. But if there had been any thing like a City at *Canterbury* then, *Cæſar* could not have avoided the mention of it; for there muſt have been ſome conſiderable Action about it.

(3.) *Cair Colun* or *Colon*, which by the Interpretation of *H. Huntingdon* and *Alfred* is ſaid to be *Colcheſter*, called in the *Roman Itinerary*, *Colonia*, as appears by the Diſtances and Scope of the fifth *Iter*; which is from *London* to *Carliſle*, not direct, but with a great compaſs to the *Eaſt*, and then to *Lindum*. And the ſixth *Iter* from *London* to *Lindum* is very different. So that the *Itinerary* doth not ſhew the ſhorteſt Ways, but the Roads which lay fitteſt for Buſineſs, eſpecially for the *Roman* Magiſtrates taking their Progreſs through the ſeveral Cities and Colonies inhabited by the *Romans*, or Natives of the Country, for the Adminiſtration of Juſtice among them; ſo theſe *Itineraries* ſeem to be framed here in *Britain*, to ſhew the ſeveral Stages and Diſtances between them, much like our Circuits for the *Itinerant Judges*. Thus from *London* to *Lindum* they ſet out *Eaſtwards*, and ſo went into *Eſſex*, part of *Suffolk*, *Cambridge*, *Huntingdon*, and ſo by *Caſterton* to *Lindum*; but being there, the ſixth Road ſhews how they might paſs from thence by *Ancaſter* to *Leiceſter*, and thence by ſeveral places mentioned to *Verulam*, and ſo back to *London*. So that the Deſign of the *Itinerary* is to ſhew, what Places were viſited in the ſeveral Progreſſes; and no doubt there were *Roman Ways* then to all theſe Places, and therefore they were moſt convenient for travelling, although the great Roads called *Viæ Stratæ* were more remarkable than the reſt; which *Hieron. Surita* ſaith, ought to be reckoned among the greateſt Works of Mankind, being made through all the Provinces of the *Roman* Empire. To this purpoſe the *Romans* made uſe of their own Soldiers, and the Inhabitants of the ſeveral Provinces: So *Galeacus* complains, that the *Romans* did wear out the Bodies of the *Britains* in paving of Boggs and Woods; and *Bede* ſaith, the *Romans* were known here by their Cities, and Temples, and Bridges, and High-ways. It ſeems *Bede* had not heard of the four famous Ways made by *Belinus* the Son of *Malmutius*, called *Watling-ſtreet*, the *Foſſe*, *Ermin-ſtreet*, and *Ickneld-ſtreet*, about which our Antiquaries have been ſo puzzled, that they know not where to begin or end them; for in truth they were no other, but ſuch as led from one *Roman* Town to another. And although *Camden* ſaith, he could find no Footſteps of ſuch Ways in *Eſſex*, time having worn them out; yet it is certain, according to the courſe of the *Itinerary*, and the *Peutinger Tables*, there had been ſuch; for according to

Hieron. Surit. in Antonin. *p.* 168.

Tacit. Vit. Agr. Bed. *l.* 1. *c.* 11.

Galf. hiſt. *l.* 1. *c.* 11.

to both of them, there was a Road from *Venta Icenorum* to *London* by *Sitomagus*, *Combretonium*, *Camalodunum*, *Cæsaromagus*, &c. and again from *London* to *Cæsaromagus*, *Colonia*, *Villa Faustini*, *Iciani*, *Camboricum*, and so to *Lindum*. In the Fifth *Iter*, we find *Colonia* mentioned, in the Ninth *Camalodunum*, but not *Colonia*; which makes me think the same place is meant in both, because they both lie at almost an equal distance in the *Itinerary* from *Cæsaromagus*, and all Persons yield the Numbers to be much corrupted; and in the *Peutinger* Tables, *Camalodunum* is set down but not *Colonia*; upon which Reasons I am very inclinable to *Leland*'s Opinion, that *Colchester* was bot h *Colonia* and *Camalodunum*. I know Mr. *Camden*, whose Sagacity and Judgment were extraordinary, hath pitched upon *Maldon*, rather than *Colchester*, because of the Affinity of the Name; which is a very deceitful way in such a Corruption of Languages in *Britain*, to judge of the Original of a Town. But which is far more observable, at *Maldon*, *Camden* takes no notice of any *Roman* Antiquities, but such as suppose it to have been the *Colony*; but at *Colchester*, he saith, an infinite Number of *Roman* Coins were found; and as to the Name *Colchester* hath as much remaining of *Colonia*, *Chester* being the *Saxon* Addition, as *Maldon* of *Camalodunum*. And there can be no question, if it were a *Roman Colony*, that it was originally no *British* City.

Britan. p. 325.

(4.) *Cair Granth*, al. *Grant*, which *Alphred* of *Beverly* calls *Cantebrigg*; *H. Huntingdon Cantebrigia*, and in some Copies *Grantebrigia*. But *Cair Grant* being the *British* Name, it is certain it could not be derived, as Mr. *Camden* supposes, from *Gron* a *Saxon* Word, signifying *a fenny or mooriſh Place*; which however doubtfully spoken by him, is applauded by others. And the *Monks* of *Crowland* calling the River *Gronta*, discovers that even they did not take it in the Sense of *Gron*; for they plainly distinguish between the River and the Fens which arise from it. And suppose *Gron* to signifie a Mooriſh Ground, yet how comes the River to be so called, and the Town from the *River?* But what is all this to the *British Cair Grant?* Was that from *Gron* too? I wonder Mr. *Camden* took no notice here of the *British* Name, as he doth so often elsewhere? Had he no mind to confute his *Saxon* Derivation? But Mr. *Camden* grants that *Cambridge* was either a Part of, or sprung from the *Roman Camboritum* mentioned in the Itinerary; yet he seems puzzled about the two Names *Cam* and *Grant*, it being very hard to derive one from the other. *Leland* thinks *Cambridge* is only a Corruption of the Word *Cantebrige*, and that, of *Grantbrigge*, as it is called in the old Chronicle of S. *Neots*. That which seems to me most probable is, that the River consisting of two *Branches*, which fall into one before they come to *Cambridge*, the one by reason of its many turnings and windings, was by, the *Britains* therefore called *Cam*, and the other *Grant*; and so after their Union it did bear either Name. In *Camden*'s Map of *Essex*, that Branch which rises in *Newport* Pond, and runs by *Waldon*, *Chesterford*, &c. is called *Grant*; and the other from *Asshwel* doth deserve the Name of *Cam*, from its winding Course, as well as *Camel* in *Cornwall*. But that *Cair Grant*, or *Granceſter* was the *Roman Camboritum*, or as most Copies have it, *Camboricum* (*Cambric*) Mr. *Camden* proves not only from the Name and Distance, but from the Number of *Roman* Coins there taken up. As for those who have fetched the Original of it from *Cantaber* and *Chembrigia*, Daughter to *Gur-*

Britan. p. 356. Apol. Univers. Oxon. l. 1. Se. 46.

Lel. Cygn. Canc. Coll. Vol. 2. p. 191.

gun-

guntius, I leave them to the grave and learned Confutation of ſuch who have taken great pains to diſprove it.

(5) *Cair Guent.* agreed by *Alfred* of *Beverley*, and *H. Huntingdon* to be *Wincheſter*, called *Venta Belgarum* in the *Roman* Itinerary, ten Miles from *Clauſentum*, (*Southanton*) which was a *Roman* Port, as Mr. *Camden* proves from the Coins there taken up; and likewiſe he found the Ruins of a Fort near it built by the *Romans* upon the Sea-coaſts, as *Gildas* teſtifies they uſed to do againſt the Inſolencies of the *Saxon* Pyrates who infeſted them; as thoſe were in *Kent* already mentioned. As to the Name of *Venta*, *Camden* follows *Leland* in deriving it from the *Britiſh Guen*, which ſignifies *White*; all the *Roman* Cities with that Name, as *Venta Silurum* and *Venta Icenorum*, being ſituate in *a white chalky Soil.* In this City a *Roman Procurator* had his Reſidence, as appears by the *Notitia Imperii*; who was overſeer of the Work-houſe (called *Gynæcium*) for making Sails for Ships and Garments for Souldiers; which were provided at the publick Charge, as appears by ſeveral Edicts in the *Theodoſian* Code; and is there called *Canon Veſtium.* And in order to the providing theſe, there were 15 *Gynæcia*, or *publick Work-houſes* in the Weſtern Empire; 2 in *Illyricum*, 4 in *Italy*, 1 in *Africa*, 2 in *Gaul*, 5 in *Belgium*, and 1 in *Britain*; over all which were ſo many *Procurators*, who were to provide Materials, and at certain times to make returns to the ſeveral Governours of the Provinces; and the *Procurator Gynæcii Ventenſis* in *Britain*, had ſuch a Work-houſe at *Wincheſter*; from whence the Sails might be conveniently ſent to the *Roman* Ports; and the Military Veſts to *London*; where the Governours of the Province had their chief abode. As to *Geofferys* making this *Cair Guent* another of King *Hudibras* his Cities, it is as true, as that he built the Town upon Mount *Palado*, or *Shaftsbury*, where the Eagle ſpake while the Walls were building: But *J. Bale* underſtands it of a *Druyd* at that time called *Aquila Septonius*; whoſe Prophecies were preſerved in great Eſteem among the *Britains*, and he affirms that he had ſeen ſome Fragments of them. It is true, that *Geoffery* affirms that in the latter end of the *Britiſh* Government, *Cadwallader* was perſwaded to give over all, becauſe by the Prophecies of the Eagle, as well as by *Merlin*'s and the *Sibyl*'s there was an end now come to the *Britains* Kingdom. But he never intimates that this *Aquila* was any more than an *Eagle.* But here *Bale* followed the Steps of *Leland*, who being aſhamed of *Geoffery*'s Tale, turned the *Eagle* into a famous *Druyd*; and *Leland* gave the intimation, where the *Eagles Prophecies* were to be found. But *Geoffery* hath ſometing more particular of *Wincheſter*, viz. that *Claudius* landing near *Portſmouth*, having demoliſhed *Cair Peris*, or *Portceſter* purſued *Arviragus* to *Wincheſter*, and there beſieged him; and by perſwaſion of the *Britains*, *Arviragus* yielded the City to *Claudius*, and married his Daughter *Geniſſa*; and the place of their Marriage in honour of *Claudius* was called *Caerglou*, or *Glouceſter.* *Suetonius* ſaith indeed, that *Claudius* had three Daughters, *Claudia* whom he diſowned, *Antonia* married to *Pompey* and *Sylla*, and *Octavia* to *Nero.* But this *Geniſſa* is wholly a ſtranger to the *Roman* Writers as likewiſe *Arviragus* at that time, who lived in the Reign of *Domitian.* So that, as we have a clear proof that *Wincheſter* was a *Roman* City, ſo there is no Evidence of its being a City before, much leſs that it was beſieged by *Claudius*, who ſpent but ſix Months in his whole Expedition, and his

Britan. p. 189.

Cod Theod. l. 7. Tit. 6. l. 2.

Notit Provinc. Imp. Occid. c. 38.

Galfr. l. 1. c. 14.

Bal. de Scriptor. Britan n. 11.

Galfr. l. 9. f. 101.

Leland. de Scrip. in Aquila.

Galf. l. 1. f. 31. c. 20.

Sueton. in Claud. c. 27.

Buſt-

Business lay about the *Thames*; if *Dio* a Person of great *Authority* in *Rome*, being both *Senator* and *Consul*, may be believed before *Geoffrey* of *Monmouth*.

(6.) Next to this, is *Cair Peris*; which *H. Huntingdon* and *Ranulphus Cestrensis* from *Alfred* say, was *Portcester*, the ancient Port within the Island of *Portsey*, at the Entrance whereof *Portsmouth* now stands, *i. e.* saith *Camden*, the Mouth or Entrance of the *great Port*, for so *Ptolemy* calls it, Μέγας Λιμὴν *the great Port*; which shows the Esteem it was of in the *Roman* Times: For *Ptolemy* lived in the time of *Antoninus*; and he placeth it not far from the *Isle of Wight*, and distinguisheth it from *the Mouth* of *Trisanton*; or, as *Camden* saith, the *British* words signifie, *the Mouth of Anton*, (*Traith Anton*) since called *Southanton*. But it seems uncertain, whether, notwithstanding what Mr. *Camden* saith, *Portsmouth* might not have its Name from *Port* the *Saxon*, who as the *Saxon Annals* tell us, landed at that Place, *A. D.* 501. with his two Sons, *Bleda* and *Magla*, especially being joined with *the Saxon* Word *Muth*, which signifies an Entrance into a *Haven*. However, it is not improbable, after *Vespasian* had subdued the Isle of *Wight*, that he should take care of *the Ports* which lay opposite to it; and therefore in *the Roman* Times there might be such a Place fortified, as *Cair Peris*, although there be no *Roman* Antiquities there mentioned, as there were at *Clausentum*, neither is it mentioned in the Itinerary as the other is.

Britan. *p.* 139.

Ptol. Geog. *l.* 2. *c.* 3.

(7.) *Cair Caratauc*, which the old *Glosser* on *Nennius*, and *Geoffrey* interpret *Salisbury*, which was a *Roman Fortification*, then called *Sorbiodunum*, as it is in the Itinerary. But why *Cair Caratauc*? *Humphry Llhuyd* would have it *Cair Caradoc* in *Shropshire*, so called from *Caractacus*, who there fought with *Ostorius*; but this was a Hill and no City. Why not as well *Cataractonium*, a noted *Roman* Station? But that was in another Province.

(8.) *Cair Dauri*; so *H. Huntingdon* and *Alfred* read it, and interpret it *Dorchester*; but Archbishop *Usher* reads it *Cair Daun*, and so makes it *Doncaster*. But I see no reason to reject the former Reading and Interpretation; *Dorchester* being called *Dornium* in some Copies of *Ptolemy*, and the Inhabitants *Durotriges*; which signifies the same with the *Aremorici* and *Morini* in the opposite Coasts, all which imply their Habitation to be near the Sea. And at this Place Mr. *Camden* found evident Remainders of the *Roman* Ways, and many *Roman* Coins; and its Name in the Itinerary is *Durnovaria*.

(9.) *Cair Pensavelcoit*, called by *Geoffrey Cair Penvelcoit*; which he interprets, and *Matt. Westminster* after him, *Exonium*; however in *Badius* his Edition it was mis-printed *Oxonium*. But *William* of *Worcester*, quoted by the learned *Oxford* Antiquary, makes it to be *Exeter* too. *Camden* thinks it to be read *Pont Ivel Coit*, which he renders a Bridge upon *Ivel* in a Wood; and by it understands *Ivelchester*, *Ptolemy*'s *Iscalis*, where many *Roman* Antiquities are found. Archbishop *Usher* rather thinks it to be *Pemsey* in *Sussex*, which some Historians call *Pevensellum*, and *Coit* signifies a *Wood*, there having been so very much in those Parts. But I do not find this *Penvensel* mentioned before the *Norman Writers*; nor any *Footsteps* of *Roman Antiquities* there: And therefore I either think it to be the *Isca Danmoniorum*, in the *Itinerary*, since called *Exeter*, being the last *Western Station* therein; or that those Copies which

Galfr. *l.* 1. *p.* 32. Llhuyd. Fragm. Descript. Britain. *p.* 15. Apolog. Antiq. Ox. *l.* 2. *n.* 49. Britain. *p.* 162. Primord. *p.* 64.

which *Alfred* and *Huntingdon* ſaw, were the truer, wherein it is wholly left out.

(10.) *Cair Celemon*, or *Celemion* in *H. Huntingdon*; but he gives no light to it. *Camden*, whom Archbiſhop *Uſher* follows, thinks it ſhould be *Camelion*, and ſo takes it for *Camalet* in *Somerſetſhire*, where are the Remainders of an old *Roman* Caſtle, with Regular Fortification, and a great Number of *Roman* Coins have been there taken up. The Hill, ſaith *Leland*, is more than a Mile in compaſs, and in divers places Foundations of Walls are to be ſeen; and many Gold, Silver and Copper Coins, have been found there in plowing; and likewiſe in the Fields thereabouts, with many other *Antique things*, and eſpecially by *Eſt*, the Place he calls *Camulatte*, and ſaith, it was ſometime a famous *Town*, or *Caſtle*. Britan. p. 161. Lel. Itin. p. 113.

(11.) *Cair Segent*. *Alfred*, *Huntingdon*, *Camden*, *Uſher*, all agree it to be *Silceſter*: But *Camden* would have it read *Cair Segont*, as coming nearer to *Civitas Segontiorum*. Archbiſhop *Uſher* thinks *Cair Sejont* different from it, being the ſame with *Cair Cuſteint* in *Nennius*, *i. e.* the City of *Conſtantius* near *Carnarvan*; but *Camden* applies all this to *Silceſter*; from whence to *Venta Belgarum* the *Roman* way, he ſaith, is yet unſeen; and ſo he concludes it to be *the Vindonum* in the Itenerary. Theſe *Segontiaci* are a People mentioned by *Cæſar*; and when they began to inhabit *together*, *the chief* City did bear the Name of the People; as when the *Pariſii* dwelt *together*, their City was called *Lutetia Pariſiorum*, and the chief Town of the *Seguſiani*, *Forum Seguſianorum*; and from hence *London* might well be called *Auguſta Trinobantum*, being the chief City of the *Trinobantes*, but with no more relation to *Troy*, than the City of *Paris* to the Son of *Priamus*. Britan. p. 195.

(12.) *Cair Britthou*. *Huntingdon* calls it *Cair Briſtou*; and *Leland* is earneſt to make it *Venta Belgarum*; but *Camden* by no means allows it. Who differs ſo much, and ſo often from *Leland*, that nothing but *Spite* and *Envy* could raiſe *that Calumny* upon him, that he was *Leland*'s *Plagiary*, as any one may diſcern who hath compared them both. And when it was objected againſt him in his Life-time, he ſaith, he thought it a Calumny more deſerving Laughter than Confutation; and he deſires no *better Anſwer*, than to compare *Leland*'s Works with his; which are extremely different both in their Deſign, and the Accompliſhment of it. This I here mention, becauſe a late Hiſtorian hath inſerted a Copy of Verſes to that purpoſe, called *Leland*'s *Ghoſt*, and concludes *that* Camden *is not to be excuſed*. A very unjuſt Cenſure; and abundantly refuted by *Camden* in a *little Tract* he wrote in his own Defence. But as to *Briſtow*, he declares he can find no Teſtimony at all of its coming near the *Roman* Times; and he thinks it built not long before *the Norman* Conqueſt. But how comes it then into this Catalogue of *Britiſh* Cities? It is certain, the Copies do not agree: For in all which Archbiſhop *Uſher* compared ſome are left out, which are in thoſe which *H. Huntingdon* ſaw; and he puts in others, as *Cair Glou* (called *Glevum* in the *Itinerary*,) and a Colony is here mentioned in an Inſcription at *Bath*, by *Camden* and others. But *Humphry Llhuyd* thinks it was not known to the *Romans*, but built, as *Nennius* ſaith, (whom he calls *Gildas*) after their Times by one *Glouy* Anceſtor to *Vortigern*; (but *the Itinerary* and *Inſcription* are much ſtronger Arguments to prove it a *Roman* City.) And *Cair Ceri*, *Chicheſter*, called *Corinium* in *Ptolemy*, and *Durocornovium* in *Antoninus*: *Humphrey Llhuyd* reads *it Cair Cori*, which Camd. Defen. p. 16. 17. *Church-Hiſtory of* Brit. l. 5. p. 198. Britan. p. 193. Fragm. Deſcript. Brit. p. 161. ib.

P. 14. agrees beſt with *Corinium*; and he calls *Chicheſter*, *Cair Ceri*; but *Camden* and *Uſher*, *Cair Cei*. It ſeems to have been a Miſtake in making theſe diſtinct, there being no Evidence to prove *Chicheſter* a *Roman* or *Britiſh* City: But beſides theſe, there was *Cair Dorn*, called *Durobrivæ* in the *Itinerary*, the Remainder of it ſtill called *Dornford*; here *Camden* takes notice of abundance of *Roman* Coins found in the Fields, and plain Tokens of the *Roman* ways. Theſe I mention to ſhew how different the Copies were in *Huntingdon*'s Time from what they are now, and how they came to be filled up with ſome Cities of a later Original.

(13.) *Cair Gauiragon*, al. *Guorangon*, or *Cair Wrangon*; which is agreed to be *Worceſter*, called in the Itinerary *Branonium*, for *Brannonium*; by Britan. p. 434. *Ptolemy*, *Brannogenium*. *Camden* quotes an ancient *MS.* to prove that it was walled about by the *Romans*; which is not at all improbable by its Situation on the Eaſtern ſide of the *Severn*, it being the *Roman* Cuſtom to place their Garriſons on Rivers which parted them and their Enemies, as appears by the Number of Caſtles and Fortreſſes built by Am. Mar. l. 28. *Valentinian* along the Rhine, as *Ammianus Marcellinus* ſaith; which were the Occaſions of ſo many Cities and Towns there afterwards. Theſe were called *Burgi* by the *Romans*, i. e. *limitum Caſtella*, as *Vignier* Vig. Chron. Burg. init. obſerves; and *Oroſius* ſaith, That the Name of *Burgundians* came Oroſ. l. 7. c. 32. from thoſe who were placed in the *Burgi* of *Germany*, to defend the Borders, by *Druſus* and *Tiberius*: But *Pontus Heuterus* thinks them ſo Pont. Heut. Rer. Burg. l. 1. called from the *German*, *Baurhwoonders*, from living diſperſedly, as all the old *Germans* did; and therefore that ſeems to be no Reaſon for Zoſim. l. 2. a particular Denomination. *Zoſimus* obſerves that the *Romans* were wont to ſettle their Military Colonies, upon the Rivers which bounded Tacit. Hiſt. l. 12. c. 31. the *Roman* Provinces. And as to the *Severn*, *Tacitus* ſaith, that *P. Oſtorius* did fortify it againſt the Incurſion of the *Silures*, who lived on the other ſide, and were not ſubdued till *Veſpaſian*'s Time, and then the Legions removed beyond the *Severn*. It ſeems therefore very probable that *Worceſter* was firſt a *Burgus*, or Caſtle on the Borders, then a Colony as *Glouceſter* on the ſame River was, and ſo became a *Roman* City.

(14.) *Cair Guaricon*, which is not explained by *Huntingdon*, nor Britan. p. 425. mentioned in ſo much of *Alfred* as *Ranulphus* hath preſerved. *Camden* reads it *Cair Guaric*, and ſo derives it from the *Britiſh Guarth*, the ſame with the *Roman Præſidium*, which the *Notitia Imperii* mentions, and here he ſuppoſes the Præfect of the *Dalmatian Horſe* to have had his *Quarters*: This being in the Middle of the Land, as the *Præſidium* in *Corſica* was, and conveniently ſeated for a Garriſon upon a Rock on the ſide of the *Avon*. Which is far more probable, than *J. Rous* his attributing the Building of it to King *Guithelin*, and ſays, that it had its Name afterwards from a *Britiſh* Prince called *Gwayr*, Couſin to King Tacit. Hiſt. l. 12. c. 40. *Arthur*. For *Tacitus* mentions the *Caſtella*, that were built by *Didius Gallus*, upon an Incurſion of the *Silures*; which was a very probable Seaſon for the firſt building the Caſtle at *Warwick*.

(15.) *Cair Maunguid*, which Archbiſhop *Uſher* thinks to be the *Manduceſſedum* in the Itinerary, ſtanding on the *Roman* Way between *Etocetu* near *Stafford*, and *Bennones* in *Leiceſterſhire*, but upon the Edge of *Warwickſhire*; and by the Diſtances and Way, *Camden* happily found it to be *Manceſter*; which, he ſaith, in *Nennius* his Catalogue is called *Mancegued*.

(16.)

(16.) *Cair Lerion*, which *Alfred* and *Huntingdon* agree to be *Leiceſter*. But here *Geoffrey* hath found out a *King Lear* for the Builder of this City long before the *Romans* came hither. It is an eaſy matter to make Kings and Builders after their Names, without any Proof or Monument to confirm it, by a mere Similitude of Name. And yet of this *Leland* gives a better Account, *viz.* that *Leir* was the ancient Name of the River that runs by it; which is confirmed by *Burton's* Obſervation, that there is a Place near the firſt riſing of it ſtill called *Leire*. That it was a *Roman* City is made evident, by the Remainders of an old Temple of *Janus*, and *Roman* Antiquities, Medals and Coins here found in great Abundance. What the Name of it was among the *Romans* is not agreed, but very probably ſuppoſed by *Camden* to be *Ratæ* in the Itinerary, which in *Ptolemy* is placed next to *Lindum*, which follows.

Galf. Mon. l. 1. c. 15.

Lel. Coll. To. 2. p. 329.

Deſcript. of Leiceſterſhire, p. 5.

Id. p. 161. Britan. p. 388.

(17.) *Cair Luitcoit*, which the ſame Authors affirm to be *Lincoln*. *Camden* ſaith, it ſhould be *Lindcoit*, and was anciently called *Lindecoln*, juſtly ſuppoſed to be *Lindum* in *Antoninus*. *R. Talbott*, in his Notes on *Antoninus*, thinks the Name, Diſtance and Situation of *Lindum* agree better to *Lenton* or *Lanton*, near *Nottingham*, than to *Lincoln*; but I confeſs, *Camden's* Argument from the Courſe of the Road, convinces me that *Lincoln* was the *Lindum* of the *Romans*. For between *Ratæ* and *Lindum* are *Verometum*, M. P. XIII. *Margidunum*, M. P. XIII. *Ad Pontem*, M. P. VII. *Crococalanum*, M. P. VII. *Lindum*, M. P. XII. Which Diſtances are irreconcilable, with making *Ratæ* to be *Leiceſter*, and *Lenton* by *Nottingham* to be *Lindum*: But *Camden* hath very well cleared it as to *Lincoln*, making *Verometum* to be *Burrough*, *Margidunum* near *Beavoir*; *ad Pontem* to be *Daunton*; *Crococalana*, *Ancaſter*, where ſeveral Monuments of *Roman* Antiquity were found; and the *Roman* Way from thence to *Lincoln*, at the Diſtance between the Manſion in *Antoninus* and *Lindum*. If any object, that this is a great Way about in the Road from *London* to *York*; I anſwer, That the *Romans* did not meaſure the Roads by a Line, but by the Conveniency of Stations and Manſions; and it is very queſtionable whether there were any Paſſage thro' the Foreſt of *Shirewood* in the *Roman* Times, there being no Footſteps of any *Roman* Ways, or Manſions, or Coins in thoſe Parts, unleſs at a Place called *Littleburgh*; which therefore *Camden* thinks to be the *Segelocum* in *Antoninus*, the Stage between *Lindum* and *Danum*, i. e. *Lincoln* and *Dancaſter*.

Deſcript. of Nottingh. p. 414.

(18.) *Cair Guintguic*, the firſt in the Catalogue of Archbiſhop *Uſher*, which he thinks may be *Norwich*, or rather *Winwick* in *Lancaſhire*. Here we have no light from the ancient Interpreters of *Nennius*; but as to *Winwick* here is no Colour for it, but a bare Similitude in the Name, which is not certain; for ſome think it ought to be rather *Cair Guntum*, which, they ſay, was the *Britiſh* Name of *Norwich*; a late Name not known, ſaith *Camden*, before the *Daniſh* Wars, and the Word is wholly *Saxon*. Some have found out a brave old *Britiſh* King for the Builder of this City, called *Gurguntius*; but *Geoffrey* himſelf is ſilent in this matter. *Camden* and *Leland* agree, that there is ſome remainder of *Guntum* in the Name of the River *Wentſum*, as *Leland* ſaith it is called in the old Donations of the Cathedral in *Norwich*. It is certain there was an old *Roman* City hereabouts, called *Venta Icenorum*. *Leland* affirms it was *Norwich*; *Camden* finding no *Roman* Antiquities there, but many not far off at a Place called *Caſter*, concludes

Britan. p. 348. Nevil. Norwic. p. 104. Lel. Itin. p. 435.

that to be the old *Venta* of the *Iceni*; from whence the Road went by *Sitomagus* (*Thetford*) to *Camalodunum*, and so to *London*. Thus I have gone through the *British* Cities of the first *Province*; the other will be more easily dispatched. I come now to the Province of *Britannia Secunda*, whereof *Caerleon* upon *Usk* was the *Metropolis*; and according to Mr. *Camden*'s Rule, the Province extended as far as the Jurisdiction of the Archbishop of *Caerleon* did; who, according to *Ranulphus Cestrensis*, had seven Bishops under him; and the *Severn* was the Boundary of the Province: *Giraldus Cambrensis* affirms the same. Which Sees in probability were beside the four still known, *S. Patern*, *Cair Went*, and *Henfort*; and this Number of seven went to meet *Augustin*, when he challenged Jurisdiction over all the Bishops of *Britain*.

Eritan. p. 111.

Polych. l. 1. c. 52. Itin. Cam. l. 2. c. 1.

Bed. l. 2. c. 2.

(1.) I begin with the *Metropolis*, *Cair Legion guar Usic*, as it is in *Nennius*, but commonly called *Caer Leon ar Usk*. This was a known Station and Colony of the *Romans*, where the second Legion had its Quarters, as evidently appears from the Distances in *Antoninus*; although *Ptolemy* placeth the *second Legion* at the *Isca Danmonionum*. But there are several things in *Ptolemy* misplaced with relation to *Britain*, either by the fault of Transcribers, or want of good Information so early, and at such a Distance. There seems far greater Reason to follow the *Itinerary*, being of a later time, however it bears the Name of *Antoninus*; and there was more Cause to settle a Legion among the *Silures*, than among the *Danmonii*, who were never so troublesome to the *Romans* as the other. *Geoffrey* doth not deny the *Roman* Legions being here, and that it was called from thence *Urbs Legionum*; but he saith the City was built long before by *Belinus*, and then it was called *Caer Usk*, from the River *Usk*. Here were found very remarkable Monuments of *Roman* Antiquities, Ruins of *Roman* Temples, Baths, Theatres, Inscriptions, as may be seen in *Camden* and others. But what evidence is there of any City before the *Roman* Colony? And it was truly observed by a very learned Man, that the *Roman* Stations gave the occasion of building most of the ancient Cities and Towns of *Europe*: So that the Civilizing and Improvement of these Parts of the World is very much due to the Prevalency of the *Roman* Empire; only the more Southern People of old *Gaul* had learnt the way of Building near together, and walling their Towns from the *Greek* Colony at *Marseilles*, as *Justin* saith out of *Trogus*. But when *Polybius* speaks of 300 Cities in *Spain* overthrown by *Tiberius Gracchus*, *Strabo* explains it only of Towns and Castles; other kind of Buildings, saith he, not agreeing with the Barbarousness of the Inhabitants. And it is no disgrace to the *Britains* to have been like the rest of their Neighbours, full of Superstition, and Barbarism, living rude and dispersed among Woods and Marshes, frequently changing their Habitations for Conveniency. For all the barbarous People, till they were improved, lived much after the same manner, being *Nomades*, divided into little Governments, full of Quarrels and Animosities among themselves, and therefore easily conquer'd by a greater and more united Force. Of which before.

Gald. l. 1. c. 19.

If. Casaub. not. in Spart. vit. Hadrian.

Justin. l. 43. 4.

Strab. l. 2.

(2) *Cair Meiguod*, or *Meguaid*, as it is in *Huntingdon*; in other Copies *Meiuod*. Dr. *Powel* mentions a Place called *Myvot*, where the Princes of that part of *Wales* were buried; not far from *Matraval*, where some think the *Mediolanum*, mentioned by *Antoninus* and *Ptolemy*,

In Girald. Camb. l. 2. c. 4.

my, ſtood; and which he ſaith, is diſcover'd by many Monuments of Antiquity there found. *Camden* undertakes to demonſtrate, from the Diſtance in the *Itinerary* lying between *Boniam* and *Rutunium* in the *Itinerary*, i. e. *Bangor* and *Rowton*, that it muſt be thereabouts; but he will not determine whether at *Matraval* or *Lanvethlin*. *Annius* had cunningly found out too notable Men, called *Olanus* and *Medus*, for *Mediolanum* in *Italy*; it is pity *Geoffrey* had not heard of them, for he could have made them Kings of *Britain*, or at leaſt Princes of *Wales*, and have founded this *Mediolanum*. But in truth, *Geoffrey*'s Invention could not hold out with *Nennius* his Catalogue; which makes him omit ſo many *Britiſh* Cities. But we have a better Account from *Tacitus*, who ſaith, when the *Ordovices* were ſubdued by *Julius Agricola*, among whom this *Mediolanum* ſtood, he built Caſtles and Fortreſſes for Security of the Province, which by degrees were made Towns and Cities.

Brit. p. 525

Annius in Caton. Frag. p. 505.

Tacit. Vit. Ag. c. 20.

(3.) *Cair Went*; how it comes to be omitted in the Copies of *Nennius*, I know not, unleſs it be meant by *Cair Gnorthigirn*, which he ſaith was built in the *Region* of *Guenneſt*; which Archbiſhop *Uſher* thinks is the ſame with *Guent* in *Monmouthſhire*; which Name was taken from *Cair Went* near *Chepſtow*, which hath riſen out of its Ruins. Which was the *Venta Silurum* in the *Itinerary*, and is ſtill diſcerned, ſaith *Camden*, by the Fragments of *Roman Antiquities* there found. *Geoffrey* ſaith, that *Vortigern*'s Caſtle was built upon the River *Wye*, which runs into the Sea at *Chepſtow*. But how came *Vortigern*'s Caſtle among the *Britiſh* Cities, and ſo noted a Place as *Cair Went* to be left out?

Brit. p. 487

Galfr. l. 5. c. 1.

(4.) *Cair Merdin*, which is in *Huntingdon*'s Catalogue, and keeps its Name to this day; and is the *Maridunum* of *Ptolemy*, but called *Muridunum* in the *Itinerary*, and is the fartheſt *Roman* Station mention'd that Way.

(5.) *Cair Segont*, called *Cair Cuſteint* in *Nennius*, where he ſaith *Conſtantius* lay buried, as he ſaith was known by the Inſcription on his Monument. *Mat. Weſtminſter* ſaith it was the Father of *Conſtantine*, who died at *York*; but why his Body ſhould be carried hither is hard to underſtand, if he had the Apotheoſis of the *Roman* Emperors. Probably it was only an Inſcription to his Memory, which by *Nennius* his Time might paſs for a Funeral Monument. This was *Segontium* in the *Itinerary*, being a *Roman* Station on the *Frith*, which divides *Angleſey* and *Britain*; and from whence *Suetonius Paulinus* paſſed over with his Army thither.

Mat. Weſt. *A.D.* 1283.

(6.) *Cair Urnach*, mentioned in *Nennius*; which is ſuppoſed to be the *Uriconium* of *Antoninus* and *Ptolemy*, called *Wroxeter*, being built at firſt as a *Roman* Fortreſs on the *Severn*; where *Camden* found great Remainders of the *Roman* Building and Way.

(7.) *Cair Draiton*; which Archbiſhop *Uſher* thinks to be *Drayton* in *Shropſhire*, which hath nothing of memorable Antiquity in it. More probably *Rutunium*, ſtanding on the Weſtſide of the *Severn*, which was a noted Station of the *Romans*, ſtill called *Rowton*, near the *Roman* Way which went into *Wales*.

From hence I proceed to the 3d Province of *Maxima Cæſarienſis*, which I ſhall take in *Camden*'s Latitude, as far as the Archbiſhop's Juriſdiction extends.

(1.) *Cair*

Galfr. *l.* 1. *l.* 13. (1.) *Cair Ebranc*, which *Alfred* and *Huntingdon* agree to be *York*. Here *Geoffery* hath found a King *Ebranc*, who built it in the time of King *David*. But in all the Battels *Petilius Cerealis* fought with the *Brigantes*, we meet with not one word of any such City; which is afterwards so much spoken of in the Wars of those Parts, both in the *Roman* and *Saxon* times; it is mention'd by *Ptolemy* among the Cities of the *Brigantes*, where the *Legio* VI. *Victrix* had its Winter Quarters: Which was brought hither out of *Germany* by *Hadrian*. Here *Severus* Spart. Vit. Sever. and *Constantius* died, and *Constantine* was declared *Cæsar* by the Legions here. *Spartianus* calls it a City and saith that *Severus* went to the *Temple* of *Bellona* in it; which was hardly built by King *Ebranc*; because I think *Bellona* was no *British* Deity.

(2.) *Cair Ligualid*, and *Legeuit* and *Lualid*; called *Luguvallum* by the *Romans*, as in the *Itinerary*: Which signifies a Tower built *ad Vallum*, as *Camden* proves: And *Ranulphus Cestrensis* cannot deny that part of the *Roman* Wall went through the City; but yet he would have it built by one King *Leyl*; who according to *Geoffery* was 7th King of the *Britains*. Then *Carleyl* must be the *British* Name; and so all the Copies of *Nennius* were strangely mistaken; but that this was an ancient *Roman* City, is evident from the Monuments of *Roman* Antiquities both in and near it; as at *Morbium*, (*Moresby*) *Arbeiæ*, (*Ierby*) and all the places that were *ad lineam Valli*; on both sides the *Roman* Wall, as will appear to those that will take the pains to compare them: and no County affords so ample a Collection of *Roman* Antiquities, as *Cumberland*.

Bed. *l.* 2. *c.* 2. (3.) *Cair Legion*, called *Civitas Legionum* by *Bede*, and interpreted by *Alfred* of *Beverly Chester*. Here the 20th Legion had its Winter Quarters. *Ranulphus* himself confesseth the Work in the old Monuments, looks more like *Romans* Work than *Britains*. So that one of Pelyeh. *l.* 1. *c.* 48. *Geoffery*'s truest Disciples is almost content to give this up for a *Roman* City. This is called *Deva* in the *Itinerary*; and it appears by the Coin Malmsb. de Gestis Pontif. *l.* 4. of *Septimius Geta*, to have been a *Roman Colony*: And *William* of *Malmsbury* saith, the *Emeriti Legionum*, i. e. the *Veterans* resided here, and so made a *Military Colony*.

Thus I have gone through all the noted *British Cities*, and particularly proved them to have been founded by the *Romans*; and therefore when *Gildas* and *Bede* say, that *Britain* was famous for its 28 Cities, it is to be understood of the *Roman* times and of Cities here built by their Means.

II. The next thing I proposed was the State and Condition of *London* during the *Roman* Government here.

To understand this we must consider the different Conditions of Cities within the *Roman* Empire. For all were not *Colonies* or *Municipia*, or *Emporia*; neither did those which were once so always continue in the same State. For a Colony might be turned into an *Emporium*; as Velser. Rer. Vind. *l.* 3. Strab. *l.* 3. *Strabo* observes of *Sevil* in *Spain*; and an *Emporium* might be advanced to the Dignity of a Colony; and so *Colonies* might be turned into *Municipia* and on the contrary. *Pliny* who lived in the time when the different Condition of the *Roman* Towns was well understood, doth undertake

take to give a particular Account of them in ſome Provinces. In *Hiſpania ulterior*, he ſaith, there were 275 *Roman* Towns; whereof were 8 *Colonies*, as many *Municipia*, 28 that had the *Jus Latij*, (of which hereafter) 6 Free Cities, 4 Confederate, above 20 Stipendiaries. In the other Province of *Hiſpania citerior* were 294 Towns; whereof were, 12 Colonies, 13 *Municipia*, 17 that had the *Jus Latij*, 1. Confederate, the reſt Stipendiaries. In the Province of *Narbon*, beſide the Colonies he reckons up the *Latin* Towns, the confederate Cities, *&c.* and ſo in *Sicily*, *Sardinia*, *Luſitania*, &c. From hence it appears, that it was well ſaid by *Siculus Flaccus*, that the Titles of Colonies, *Municipia* and *Præfecturæ*, did ariſe from the carriage and deſerts of the People towards the *Roman* State. If any Cities upon the Invaſion of a Province readily joyn'd with the *Roman* Forces they were called confederate Cities, and were by virtue of the Compact between them to enjoy all their former Rights and Privileges, without paying any Tribute. Of which ſort were many Cities in *Italy*; but ſometimes ſuch Cities parted freely with their own Liberties, to make themſelves capable of the Privileges of the *Roman* City; and ſometimes upon misbehaviours, they were taken from them. Thus *Suetonius* ſaith, that *Auguſtus* deprived ſeveral confederate Cities of their former Liberties for the ill uſe they made of them. *Dio* mentions *Cyzicum*, *Tyre* and *Sidon*, for the ſeditious carriage of the Citizens; but *Cyzicum* had theirs ſoon reſtored upon their Submiſſion, as *Dio* ſaith, not long after. *Veſpaſian* too away the Freedom of *Achaia*, *Lycia*, *Rhodes*, *Byzantium*, and *Samos*; and likewiſe reduced *Thracia*, *Cilicia* and *Comagena*, into the Form of Provinces, which had hitherto obey'd their own Prince. For there were ſome Nations accounted it as great a Privilege to live in Subjection to them as others did to caſt them off; as appears not only by theſe Inſtances of *Thracia*, *Cilicia* and *Comagena*, but *Strabo* ſaith, of *Cappadocia*, that when the Royal Line failed, the *Romans* gave them Liberty to chooſe their own Government, not doubting that it would be a Common-wealth, as theirs was then at *Rome*; but they ſent Embaſſadors, to *Rome*, to deſire they might live under a Monarchy ſtill; and ſo, to the wonder of the *Romans* they choſe *Ariobarzanes* King.

But *Strabo* ſaith, there were 2 ſorts of free Cities in the *Roman* Empire; ſuch as were ſo by original Compacts; or ſo made by enjoying their own Laws and Magiſtrates, upon certain terms. Of this ſort we have many Inſtances in the *Roman* Hiſtory; as all the Cities of *Greece* by a Decree of the Senate; *Amiſus* a City of *Pontus*, as *Strabo* calls it, had a ſtrange Revolution; having its Liberty given by *Cæſar*, taken away by *Anthony*, reſtored by *Auguſtus*, and in the time of the younger *Pliny* ſaid to be a Free and confederate City; and the like change *Tacitus* obſerves in *Rhodes*.

But theſe were *Cities made free*, i. e. were admitted to the Privileges of the City of *Rome*, although no Colonies deduced from thence. Which being very great both in a publick and private Capacity, were ſparingly granted, eſpecially in the remoter Provinces. Such a City, I ſuppoſe *Tarſus*, where S. *Paul* was born, was, having its Liberty given by *Antony*, and confirmed by *Auguſtus*; and S. *Paul* pleads the Privilege of being born a *Roman* Citizen. *Spanhemius* produces a Coin of *Gordianus*, wherein it is ſaid to be a Colony; but that was of later times. For why ſhould *Antony* and *Auguſtus* give Liberty to a *Roman* Colony: Which according, to *Cicero*, is *Civitas a Matrice Civitate deducta*, and

Plin. *l.* 3. c. 1.
c. 4.
c. 7, 8.
Sicul. Flac. de Condit. Agror.
Suet. Aug. c. 47. Dio, *l.* 54.
Suet. Veſp. c. 8.
Strab. *l.* 12. p. 13.
Strab. *l.* 17.
Liv. *l.* 33. c. 17.
Strab. *l.* 12. Plin. Ep. l. 10. Ap. 93. Tacit. An. *l.* 12. 58.
Apian. Bell. Civil. *l.* 5. Dio. *Chryſ.* or. 35. Span. diſſerr. de Num. p. 785.

ſo

ſo their Freedom was the ſame with that of the City of *Rome*. Among theſe Cities made Free, there were 2 ſorts; one of thoſe who enjoy'd their own *Municipal* Laws, but had honorary Privileges, that is a Capacity of the ſame Dignities which the Citizens of *Rome* had; and theſe were properly *Municipia*. Which *Municipal Laws* ſome Cities valued above all the other Privileges of *Rome*; and therefore deſired to be reduced from being Colonies to be *Municipia*; of which *Hadrian* gives an Inſtance in *Præneſte*; not called therefore a *Colony* but *Opidum*, in *Frontinus* his Book of *Colonies* in *Nerva*'s time, as *Joſ. Suareſius* obſerves: But on the other ſide many of the *Municipia* were impatient till they obtained the Privileges of Colonies, as *Hadrian* there obſerves, and inſtances in *Italica* and *Utica*. Now theſe Cities which parted with all their own Laws and Cuſtoms, and were incorporated into the *Roman* State, were ſaid to be *Populi Fundi Facti*, among whom the *Roman* Law is ſettled *tanquam in Fundo*, as *Cicero* explains it. Upon which happen'd a great Caſe in *Rome*, whether a Native of a Confederate City, not being *populus fundus factus*, could partake of the Privileges of the *Roman* City? Which was the Caſe of *Cornelius Balbus*, born at *Gades*, but had the Privilege of a *Roman* Citizen given by *Pompey*; the City pleaded that he was uncapable by their Exemption as a free City. *Cicero* on the other ſide, that the *Roman* State did not abridge their own Power, but could give the Privilege of the City to whom they thought fit. But it is plain by his Diſcourſe that the Confederate Cities were far from being pleaſed, when their Citizens forſook their own Privileges and became Members of the City of *Rome*. And in ſeveral of the Original Compacts this Clauſe was inſerted, that none ſhould be allowed ſo to do without the Conſent of the City; but then *Cicero* urges, that where that Clauſe was not mention'd, they might make any one a *Roman* Citizen whom they pleaſed; which Authority was given to *Pompey*, by a Law. But thoſe Cities which could not be admitted to an equal participation of the Privileges of the City of *Rome*, yet were deſirous of ſome ſhare of them; which was called the *Jus Latij*, and was diſtinct feom the *Jus Quiritium*, which as *Sigonius* explains it, moſt probably was that which no Strangers were admitted to, who were not *Fundi Populi*, i. e. not incorporated into the *Roman* City. But the *jus Latij*, lay only in a Right of Suffrage, but without a Tribe ſaith *Onuphrius Panvinius*; and in a capacity of being *Roman* Citizens upon bearing Offices in their own Bodies. *Aſconius Pedianus* ſaith *C. Pompeius* obtained this Privilege for the Colonies beyond *Po*; and he calls it *Jus Latij*.

A Gell. *l.* 16. *c.* 13. Præneſt. Antiq. *l.* 1. *c.* 21.

Cicer. pro Balbo.

Sigon. de antiq. jure Ital. *l.* 1. *c.* 4.

Antiq. Veron. *l.* 2. *c.* 14.

Aſcon. Ped. *in* Cicer. Piſon.

The *Jus Italicum*, was leſs than this, conſiſting only in *the Liberty* of chooſing their own *Magiſtrates*; and afterwards carried with it an exemption from *Tribute*; which *Italy* was freed from by the Law of *Cæcilius Metellus* as *Dio* ſaith.

Dio, *l.* 37.

Thoſe Places which had none of theſe Privileges were ſaid to be reduced into the Form of a Province, and were governed wholly by Officers ſent from *Rome*, who had different Names and Titles, according to *the Extent* and *Nature* of their Juriſdiction; as Prætors, Queſtors, Legats, *&c.* But where the Power extended only to one place, they were called *Præfecti*, and the Government *Præfectura*; of which ſort there were many in *Italy*, which are reckon'd up by *Feſtus*.

As to *the Government* of the *Roman* Provinces, they that were under the immediate Care of the Emperor, after the Diviſion made by *Auguſtus*,

ſtus, (as this Province of *Britain* was) had a Governour in chief over the whole Province ſent among them, whoſe Title commonly was, *Legatus Aug. pro Prætore Prov.* Of ſuch here in *Britain* there are two Inſcriptions in *Gruter*; and one lately found ſince the Fire near *Ludgate*, being ſaid to be a Funeral Monument for *Vivius Marcianus*, Legate to *Hadrian* here in *Britain*. That it was an Inſcription to his Memory is plain, and it is probable he was *Cæſar*'s Legate here, although not expreſſed at large. Theſe Legates had their chief Reſidence in the Metropolis of the Province; and therefore this Inſcription to the Memory of *Cæſar's Legate* was properly fixed in the *Metropolis* at *London*; but the Burying-place was not within the City, that being contrary to the *Roman* Cuſtom; but in the Fields, not far from the *Roman* Way. And ſo here the *Burying-place* was on the *North-Eaſt* and *Eaſt-ſide* of the Suburbs, where many Urns, Funeral Veſſels, little Images, and Earthen Pots have been taken up, and Coins of *Claudius*, *Nero*, *Veſpaſian*, &c. which is fully ſet forth by Mr. *Stow*, whom I do not intend to tranſcribe. But it deſerves to be remembred, that Sir *Robert Cotton* had diſcovered the Monument of a Proprætor's Wife in *Ratcliff Field*. As the *Legate* or *Proprætor* had his chief Reſidence in the *Metropolis*, ſo the great Buſineſs of the Province, as to *civil Matters* was brought thither to him; and the Power of Life and Death belong'd to him; which the *Procurator Cæſaris* had not, unleſs he were Governour of the Province too; as in ſmaller Provinces it often happen'd, ſo in *Judæa*, he that was *Procurator Cæſaris*, as *Pilate* was no more, had the Juriſdiction too, but under the Preſident of *Syria*; for *Vitellius* ſent *Pilate* to *Rome* upon complaint of his ill Government; but in greater Provinces the *Procurator* only minded the Revenue. This Diſtinction was obſerved in *Britain*; as the *Britains* in *Tacitus* ſadly repreſented their Condition to each other, that whereas before they were under one King of their own, now they had two put upon them, the Legate that diſpoſed of their Blood, and the Procurator of their Eſtates: So that all Capital Cauſes belong'd to the Legate's Court; and thoſe of the Exchequer to *Cæſar*'s Procurator. The Legate had his *Prætorium* in the Metropolis, which at firſt ſignified the General's Tent; but as the Name came from the Camp to the City, ſo the *Prætorium* was the Manſion-Houſe of the Governour; altho' in *Auguſtus*'s time it ſignified any ſtately Palace. Near the *Prætorium* was the *Baſilica* or Court of Juſtice, where he ſat in his *Sella Curulis*, and diſpatched publick Buſineſs relating to the Province; for particular Cauſes he either heard them himſelf with the Judges appointed, or left them to their Examination, who were to be taken out of that Conventus or Diviſion, wherein the Parties lived, and to whom they conſented, as appears by *Cicero*'s proceeding againſt *Verres*. Theſe were called *Recuperatores* in the old *Roman* Writers; and might be challenged by the Parties, without alledging a Cauſe, ſo it were done *ante Legem conteſtatam*; and it was enough to ſay, *Hunc Nolo*, as *Cujacius* obſerves.

But becauſe the whole Buſineſs of the Province could not be diſpatched in one Place, therefore in the fitteſt Seaſon they appointed a *Solemn Conventus*, as they called it; *i. e.* a Meeting of ſuch a Diviſion of the Province, at a place by them appointed for Adminiſtration of Juſtice. This they called *Conventus agere*. Thoſe who lived within the *Conven-*

Marmor. Oxon. *p.* 281.

Weaver's *Monument*, *p.* 515. Stow's *Survey*, *p.* 177. Weaver, *p.* 30.

V. Noris Cenotaph. Piſan. *Diſſert.* 2. §. 8.

Tacit. Vit. Agric.

Sueton. Aug. *c.* 72.

Cicer. pro Cæcin. Plaut. Bacchid. A Gell. *l.* 20. *c.* 1.

Cujac. Obſerv. *l.* 9. *c.* 23. Strab. *l.* 3. Cicer. 7. in Verr. Berter. Pith. Diatr. 1. *c.* 9.

Cicer. Epist. *l.* 13. Ep. 53. Ad Atticum, *l.* 6. Ep. 2.

tus, were said to make up the *Dioceſe*. So *Cicero* uſes the Word ſeveral times; from whence it appears, that a Dioceſe was originally leſs than a Province, although in the New Diſtribution of the *Roman* Empire, it comprehended ſeveral Provinces. Sometimes the Governour called ſeveral *Conventus's* to one Place, as *Cicero* ſaith he did at *Laodicea*.

Plin. *l.* 3. *c.* 1, *&c.* Feſt. *v.* Forum. H. Valeſ. Not. Gall. *p.* 200.

Pliny ſaith, that in one Province of *Spain* there were 4 *Conventus's*, in another 7, in another 3. The Place where the *Conventus* uſed to be kept, was called *Forum* as *Feſtus* ſaith; thence *Forum Seguſianorum* in *Gaul*. But the *Forum Flaminium*, and *Forum Julii* were ſo called from being Places of Trading.

The *Stipendiary Cities* were ſuch as were cited to the *Conventus*, being governed by the *Roman* Magiſtrates, and paying Tribute; and ſo were of the Nature of the *Præfecturæ* in *Italy*; only they had not Magiſtrates ſent to them annually from the People of *Rome*, or the *Prætor* as thoſe had. And I cannot underſtand by *Feſtus*, that there were any *Præfecturæ* out of *Italy*; nor to what purpoſe *Præfects* ſhould be ſent from *Rome* into remote Provinces, when the Governours of them were to adminiſter Juſtice in all the Stipendiary Cities at the ſeveral *Convents*. And if there were occaſion for a *Præfect* to be ſent, the Preſident of the Province was to take care of it; and theſe were called *Vicarii & Judices Locorum*, as *Berterius* obſerves; only at *Alexandria* the Prince himſelf did appoint the Governour. Since then that *Britain* was reduced into the Form of a Province, and had a Legate appointed as Governour over it, who had his Reſidence in the Metropolis at *London*, there can be no probability in Mr. *Camden*'s Opinion, that it was in the Condition of a *Præfecture* and not of a *Colony*. But Mr. *Camden* urges, *That it was not for the Intereſt of the* Roman *Government to make ſuch a Place of Trading as* London *was, a* Roman Colony. Therefore, to clear this, we muſt conſider that there were ſeveral ſorts of Colonies, (1.) Civil Colonies, *i. e.* ſuch as conſiſted only of *Roman* Citizens, drawn out from the City, and planted in ſuch places out of which the former Inhabitants were removed. Theſe had all the Privileges of the City of *Rome*, the ſame kind of Magiſtrates and Government; thence *A. Gellius* calls them, *The little Images and Repreſentations of the City of* Rome. Many Rites and Cuſtoms belong'd to the drawing out and ſettling ſuch a Colony, which are beſide my purpoſe. (2.) Military Colonies, when the Veteran Soldiers for a Reward of long Service were ſettled together by way of a Colony. Of which ſort, from *Sylla*'s time, there were very may both in *Italy* and the Provinces abroad. Theſe generally took their Name from the Legions they belong'd to. *Ezek. Spanhemius* mentions about 120 of theſe, which he had obſerved from Coins, Inſcriptions, and other good Authorities. Of this kind here were the Colony of *Veterans* at *Camalodunum*, the Colonies of *York*, *Cheſter*, *Caerleon*, &c. But beſides theſe two, there were, (3.) *Mixt Colonies*, where the *Roman* Citizens and the Natives joyned together; and although they had not the Name, yet had the Privileges of a Colony. Of this ſort *Onuph. Panvinius* reckons up many in *Italy* it ſelf; and ſuch a one *Julius Capacius* ſaith *Puteoli* was, which *Cicero* calls an *Emporium*; *Livy* and others a Colony; *Lipſius* ſaith, it had the Right of a Colony before it obtained a mix'd Colony: And the like *M. Velſerus* ſaith of *Auguſta Vindelicorum* and *Colonia Agrippina*; and of this kind I conclude

Pithan. Diatr. *l.* 1. *c.* 10.

Brit. *p.* 304.

A Gell. *l.* 16. *c.* 13.

Spanhem. de Uſu Numiſm. *p.* 765. Onuph. Panvin. Antiq. Veron. *l.* 2. *c.* 13. Jul. Capac. Hiſt. Neapol. *l.* 2. *c.* 24. Cicer. ad Attic. *l.* 5. Ep. 2. M. Velſer. Aug. Vindel. *l.* 7.

London

London to have been; which was *Nobile Emporium*, in *Tacitus*'s time, a Place of mighty advantage by its *Situation for Trade*, and therefore apt to draw both *Romans* and Natives together, where they had all the Encouragement, which the *Roman* Governours Reſidence could give it. Which would ſoon make the City in ſo *little time*, grow ſo great, that although it were firſt built in *Claudius*'s time, yet in *Nero*'s, it might be too large for *Suetonius Paulinus* to hazard his Army to defend it. For where-ever there was a new Province made, there was great occaſion for ſuch an *Emporium* or place of Trading to be ſet up. For the Citizens of *Rome* made mighty Improvement of their Eſtates by ſending their Money into new Provinces; and one Perſon in *Rome* had at one time ſo much Money at Intereſt here, (even *Seneca*) that *Dio* ſaith, *The calling of it in, was one of the occaſions of the Revolt of the* Britains. But beſides the *Roman Bankers*, they had great Traders among them; and very early there was *Collegium Mercatorum* at *Rome*; they were called *Mercurialis* in *Tully*, becauſe, as *Feſtus* ſaith, they looked on *Mercury* as the God of Trading. Theſe lived at *Rome* and traded abroad; but there were others, who went themſelves into the Provinces, and were called *Negotiatores*, of whom *Cicero* ſaith, Gaul *was full in all places*; and all Buſineſs of Trade and Money was diſpatched by them: and the like he mentions in the Provinces of *Aſia*; and he ſaith, their Stock was ſo great, that a Blow could not be given them, but it would be felt at *Rome*.

Lipſ. ad Tacit. Annal. 14.74.

Xiphil. in Ner.

Liv. *l.* 2. *c.* 27. Cicer. Epiſt. ad Q. Frat. *l.* 2. Ep.

Cicer. pro Fonteio. Pro Lege Man.

But all the Trade of *Britain* did not depend upon the *New Province*; for *Cæſar* confeſſes, that before his coming there was a ſettled Commerce between the Parts of *Gaul* and *Britain*. *Cæſar* ſaith, *the Merchants could tell him little of the Country*; it is far more probable they would not. For, he after ſaith, *he ſent over word of his coming*. And how came the *Gauls* to be ſuch Strangers here, if *Divitiacus* commanded a great part of it, as himſelf ſaith, if they ſent over Supplies into *Gaul*; if *Comius* of *Arras* had ſuch Authority among the *Britains*; if Perſons were ſent over from *Gaul* hither to be inſtructed in the *Druids* Doctrine? All which being affirmed by *Cæſar*, evidently prove a conſtant Correſpondency between *Britain* and *Gaul*. And the Trade was, not for trifling Commodities, as *Strabo* inſinuates, *viz.* of Knacks made of *Ivory* and *Amber*, &c. but for *Lead* and *Tin*; which, as *Diodorus Siculus* obſerves, the Merchants bought here and tranſported into *Gaul*, and ſo by Land to *Marſeilles*, which is likewiſe affirmed by *Poſidonius* in *Strabo*; and from thence it was called the *Celtick Tin* by the *Greeks*. But ſome of them had learnt it came from certain Iſlands called *Caſſiterides*, but where they lay *Herodotus* confeſſeth he knew not. *Strabo* ſaith, the *Phœnicians* traded to them, and conceal'd the Paſſage to that degree, that one of the Maſters rather choſe to ſtrand his Ship than diſcover it to the *Romans*, for which he was reimburſed out of the publick Stock. But after many Attempts, he ſaith, the *Romans* found the way of Trading thither, and he mentions *P. Craſſus* who was upon the Place and ſaw the way of digging and preparing their Metals, and taught the People the Art of Navigation. But *Strabo* diſtinguiſheth between the *Caſſiterides* and *Britains*. And Mr. *Camden* hath very well proved, that the Iſlands of *Silly* were the *Caſſiterides* of the *Greeks*; and the *Oeſtrymnides* in *Feſtus Avienus*.

Cæſar. *l.* 4.

Strab. *l.* 4.

Diod. Sicul. *l.* 4.

Strab. *l.* 3.

Herod. *l.* 3.

Strab. *l.* 3.

Brit. p. 857.

Whether the *Phœnicians* Trade did extend any farther than thoſe Iſlands is uncertain, after all the Attempts which have been made of late to make them almoſt the Peoplers of *Britain*. A very learned Perſon had ingeniouſly conjectured, that the Name *Britannia* was derived from two Oriental Word, ברת *Barath*, which in the *Syriack* ſignifies *a Field*, and אנך *Anac*, which in the *Hebrew* ſignifies *Tin* or *Lead*; from hence he preſumes the ſame Signification continued in the *Phœnician* Language; and from thence the Name *Britannia* came, as *Strabo* and others call it. This may paſs among the better ſort of Conjectures; but a bare Similitude in the Sounding of Words, where there are not ſufficient Teſtimonies to prove, that the People which uſed that Language did firſt give it, affords but a ſlender Foundation to build upon. It is poſſible the *Phœnicians* might give names to thoſe Places about *Britain* which they traded to in their own Language, as the *Engliſh* have in *Hudſon's-Bay*, and the *Spaniards* in *America*, but the *Dutch* may give other names to the ſame Places; whereby they are called among them. Therefore to juſtifie this Etymology, it is not enough to ſhew, that in ſome parts of the *Eaſt*, thoſe Words bear ſuch a Senſe, but that the *Phœnicians* uſed them ſo, and applied them to *Britain*; and that other Nations did take this Name from their Books, or Commerce with them. But it appears by *Strabo* they concealed their Trade to the *Caſſiterides* to the utmoſt, and therefore would not acquaint other Nations with ſuch a Name, as would be moſt apt to draw other Traders thither. For, what was this, but to boaſt to the World, that they had found out a whole *Country* of *Lead and Tin?* Which is far from the Practice of that Maſter of the Ship who choſe rather to loſe his Ship than to diſcover the Trade. So that the *Phœnicians* would have called it by any other Name, rather than that, if theſe Words did ſignifie ſo among them. But I ſee no ground to believe, that the *Phœnicians* did trade hither, before the flouriſhing of the *Carthaginian* State. For, who that *Midacritus* was that firſt brought Lead from the *Caſſiterides*, *Pliny* doth not inform us, nor at what time he lived. *Bochartus* reads it *Melicarthus* or *Melcarthus* the *Phœnician Hercules* in *Sanchoniathon*. But he confeſſes *Midacritus* to be a Greek Word; and *Pliny* ſaith nothing to prove he was a *Phœnician*; and juſt before ſpeaking of the refining of Gold he attributes it to *Cadmus*, and calls him the *Phœnician*. It is certain *Strabo* gave little credit to the *Phœnicians* Stories of their Navigations in the elder times; and he blames *Eratoſthenes* for believing them; and by *Hanno's* Voyage it appear how little they had then diſcovered beyond *Hercules's Pillars*. For *Cerne* was no farther beyond them on the *African* Coaſt, than it was from *Carthage* to them. I will not deny that *Himilco* came farther this way, at the ſame time, being ſent out for Diſcoveries; but all the account we have of that is what is preſerved in *Feſtus Avienus*, who profeſſeth to follow the *Punick Annals*; where he mentions the *Oeſtrymnides* rich in Lead and Tin, full of People who were skilful in Trading, near the Iſland of the *Hiberni* and that of *Albion*; and that it was four Months Voyage from *Carthage* thither. Now if *Feſtus Avienus* may be credited, *Himilco* firſt diſcovered theſe Iſlands which were diſtant from *Britain*, and *Albion* was the Name uſed in the *Punick Annals*.

Boch. Canaan. *l.* 1. *c.* 38.

Plin. *l.* 7. *c.* 56.

Strab *l.* 1.

Plin. *l.* 2. *c.* 67.

Feſt. Avien. de Ora Maritim. v. 431, *&c.*

It

It is asserted by a late learned Writer of our own, that *Britain* was wholly unknown of old to the *Greeks*; and that the very Name of *Britain* cannot be found in any *Greek* Writings before *Cæsar*'s time. An Assertion I could not read without wonder, considering the *Greek* Authors mentioned by *Strabo* and *Pliny* who had writ concerning it; such as *Timæus*, *Isidorus*, *Characenus*, *Pytheas*, *Dicæarchus*, *Eratosthenes*, *Posidonius*, and *Polybius*. It is true, their Works are now lost; and *Strabo* finds fault with several things said by them? But what then? Doth this prove that *Britain* was not then known to the *Greeks*, because their Works are not now to be found? Did they say nothing true, because they said something that was not? And yet even *Pytheas* of *Marseilles* is now justified in what *Strabo* most accuses him of, *viz.* his Description of *Thule*; whereas a present ingenious and learned Person hath undertaken so far to justifie *Pytheas* therein that he saith, one might have suspected some modern Geographer had inserted it into *Strabo*. But from hence it appears, that *Britain* was known to the *Greeks* before *Cæsar*'s time; and therefore it seems to be a piece of Artifice in *Cæsar* to pretend so great Ignorance of *Britain* when he came thither, thereby to heighten the Glory of his Enterprise.

Sheringham de Angl. Gentis Orig. c. 6. p. 98, 99. Strab. l. 1. & 2. Plin. l. 4. c. 16. Olaus Rudbech Atlantic. c. 19.

Having thus shewed that there was a sufficient Trade even in *Britain* to found such a mixt Colony of *Romans* and Natives at *London*, and that it was the *Metropolis* where the *Roman* Governour had his Residence; I proceed to the Third Enquiry.

III. Concerning the *Temple of Diana* supposed to stand where the Foundations of S. *Paul*'s are since laid. Which Mr. *Camden* gives countenance to, from the *Camera Dianæ* not far from it, and from the *Number of Oxes Heads* taken up in *Ed.* I's time; and from the Ceremony of bringing the *Stags-Head* to S. *Paul*'s by the Family of *Bawds* in *Essex*. Of which last a true Account is given in the History of S. *Paul*'s. As to the *Camera Dianæ*, which appears still in the Books, Mr. *Stow* hath given the best account of it; *viz.* That they were only Lodgings for *Rosamond* in *H.* II's time, from whence there was a secret Passage to the King's Palace at *Baynard*'s *Castle*; which, as Mr. *Camden* saith, some thought was only a part of the old *Royal Palace* which stood on the West-side of the City. This *Leland* and *Camden* both say, was that which *Fitz Stephen* calls the *Palatine Tower* on the West side of the City; and in the place where that stood, the two Castles called *Baynard*'s and *Mount Fitchet* were afterwards built. For when by the Charter of 4 *E.* 1. extant in *Stow*, a Licence was given to *R. Kilwarby* by the Archbishop of *Canterbury*, to pull down the Tower of *Mount-Fitchet*, it was that he might build the Church or Convent of *Black Friars* in the same place. And withal it is there expressed, that the Bishop of *London* had obtained the Stones of *William the Conquerour* to reedifie the upper part of S. *Paul*'s-*Church*. But a little after, through great Incogitancy, Mr. *Stow* makes the same Tower to stand on the other side the *Fleet*, where *Bridewell* stands: For he mentions the same Gift of King *William* to *Mauritius* of the choice Stones of his Castle standing near the *Thames*, at the West end of the City; but in that very place *Black-Friars* was built by *Kilwarby*, and therefore it must stand where that did.

Brit. p. 306. Stow's Survey, p. 781. Brit. p. 305. Leland. Collect. To. 2. p. 283. Stow's Survey, p. 61. p. 61, 62.

But

But to take away all Suspicion of any Temple to *Diana* being built where S. *Paul*'s stands; I shall a little farther examine the Truth of this Tradition, and that will be by considering by whom *Diana* should be worshipped in that place. For it must have been either by the *Britains*, or by the *Romans*, or by the *Saxons*; but if by none of these, then it will be allow'd, there was no such Temple here. The *Saxons* are not suspected to have had any particular kindness for *Diana*, and therefore it belongs to the other too.

As to the *Britains* I shall prove, both that they had no such Deity; and if they had, they would not have worship'd her in that manner.

It will hardly be thought, that the Worship of *Diana Persica* should be propagated among the *Britains*, which best agrees with this Fancy; for *Plutarch* saith, *Oxen were sacred to her.* But we never read that *Brutus* travelled so far as *Persia*, to bring a *Diana* from thence: For the *Diana* he worshipped was among the *Greek Isles*, from whom he received his Oracle. Therefore it cannot be *Diana Taurica*, which was a *Scythian* Deity, and worshipped with *Human Sacrifices*. *Lucan* doth parrallel the Worship of *Taranis* and of *Diana*; and *Taranis* was a *Britisb* Deity But *Taranis* was not the same with *Diana*; so far from it, that he seems most like to the *Roman*'s *Jupiter Tonans*, and the *Thor* of the *Goths* and *Saxons*. Neither can it be understood of the *Greek Diana*, the Huntsmen's Deity, the Daughter of *Jupiter* of *Crete*, called *Britomartis* by the *Cretians*; for *Brutus* himself worshipped her with the Sacrifice of a *White Doe*; and the offering up so many Oxen was very improper to her. There remains yet another *Diana*, called *Diana Lucifera* in many Inscriptions, and *Diana Cœlestis*, i. e. the Moon. But it is agreed, that the Worship of the *Gauls* and *Britains* was the same; and *Cæsar* therein places the difference between the Religion of the *Germans* and *Gauls*, that the *Germans* worship'd only the Gods they saw, the *Sun*, and *Vulcan*, and the *Moon*; but the *Gauls* worshipped *Apollo* against Diseases, *Minerva* as the inventress of artificial Works, *Jupiter* as having the Power of the Heavens, *Mars* as God of War. But here is no place for *Diana*; which *Cæsar* would not have omitted, being so celebrated a Deity among the *Romans*; and if they had worshipp'd the *Moon*, why doth he set it down so expresly as to the *Germans*, and leave her quite out among the *Gauls?* And if they did worship the *Moon*, as the *Germans* did, wherein lay the mighty Difference, between those who worshipped visible Deities and them?

Plutarch in Lucullo.
Herod. l. 4.
Am. Marcel. l. 22. n. 2.
Luc. l. 1.
Cæsar, l. 6.
Luc. l. 1. & 3.
Plin. l. 16. c. 44.
Tac. An. l. 4.
Max. Tyr. odyss. 38.
Claud. de laud. Stilic. l. 1.
Tacit. de Mor. Ger.

But supposing the *Britains* did worship *Diana*, yet how come they to build a *Temple* to *Diana*, when it is so notorious, that the *Druids* performed all their Superstitious Worship in Sacred Groves, which were all the Temples in Use among them. *Lucan*, *Pliny*, *Tacitus*, *Maximus Tyrius*, and *Claudian*, all attest this. And in this all the Northern Nations seem'd to have agreed. So *Tacitus* saith of the *Germans*; that they neither had Temples nor Images, but only consecrated Groves. *Cluverius* saith, the Temple of *Hertha* was only her Grove; and *Loccenius* shews, *Tanfana* mentioned by *Tacitus* is no more than *Luci Dominus*, the God worshipped in the Grove. *Fan* is Lord, and *Tan* is the Fir-tree. *Tacitus* mentions the Sacred Groves among the *Batavi*; *Adamus Bremensis* saith, the old *Saxons* worshipped well-spred Trees. *Helmoldus* saith, the *Sclavi* and *Prussians* worshipped in Woods and Groves. *Æneas Sylvius* saith the same of the *Lithuanians*. *Pet. de Dusyberg* saith, that the *Crive*, or Chief of the *Prussian Druids*, dwelt

Cluver. German. Antiq. l. 1. c. 34.
Loccen. Antiq. Suev. Goth. c. 3.
Tacit. Hist. l. 4.
Adam. Brem. l. 1. c. 6.
Helmold. Chr. Sclav. l. 1. c. 1.
Æn. Sylv. Comment. Chron. Pruss. c. 84. n. 3.
Pet. de Dusyberg Chron. Pruss. part 3. c. 5.

under

under the great Oak of *Romove*, of an incredible Thickneſs; and they could not be removed from it till *Boleſlaus*, firſt King of *Poland*, cauſed it to be cut down. So that it would have been very ſtrange for the *Britiſh Druids* to have built a Temple to *Diana*. It remains therefore, that if there were any ſuch Temple, it muſt be built by the *Romans*, among whom *Diana* was in great Requeſt; and had been ſo very ſoon after the Foundation of their City, as is obſerved by *Dionyſius Halicarnaſſæus* and *Feſtus*. But it is as evident that *Stags* were the proper Sacrifices to *Diana*; but if they could not be had, Sheep were allowed, and a Sheep was then called *Cervaria Ovis*.

Dionyſ. Halicarn. l. 2. & 3. Feſt. v. Serorum Dies Feſtus.

But Mr. *Camden* ſaith, *the Tauropolia were kept in Honour of* Diana. But they had no relation to Oxen, but to the Worſhip of *Diana Taurica*, as Mr. *Selden* hath ſhewed at large; and there were *Taurobolia* often mention'd in *Gruter's* Inſcriptions, which were Rights of Initiation to the *Mater Deorum*, and are deſcribed at large by *Salmaſius*. So that we can find no Ground at all for any Temple to *Diana*; and the Arguments hitherto produced for it, rather make againſt it.

Selden. de Synedr. l. 3. c. 14. §. 9. Salmaſ. ad Hiſt. Aug. p. 179. 180.

But if any ſhould ask, Whether ſo remarkable a part of the City of *London* could be ſuppoſed, in the *Roman* times, to have been without any Temple at all? I anſwer, not; and if I may propoſe my Conjecture, I rather think there ſtood a *Capitol*, and that for theſe Reaſons: (1.) Moſt of the noted Colonies had Capitols erected in them, in Imitation of *Rome*; which not only *Lipſius* affirms to have been the common Cuſtom, but the ſeveral Capitols are mention'd by good Authors. That at *Capua* and at *Beneventum* by *Suetonius*; at *Pompeij* by *Vitruvius*; and of later times, at *Florence* by *Politian*; at *Ravennæ* by *Hier. Rubeus*; at *Milan* by *Caſtellionæus*; at *Narbo Martius* by *Sidonius Apollonaris*; at *Tholouſe* by *Greg. Turonenſis*; at *Autan* by *Fumenius*; at *Veſontio* by *Chifflétius*; and at *Colonia Agrippina* by *Hadr. Valeſius*, who mentions it as a general Cuſtom. (2.) The Situation of the Place makes it probable; it being the Rule in *Vitruvius*, that Capitols were to be erected in the higheſt and moſt conſpicuous Part of the City, as that is where St. *Paul's* ſtands. As the *Temples* to *Mercury* were to be built in the *Forum* or *Emporium*; to *Apollo* by the Theatre; to *Mars* without the City; and ſo to *Ceres*; to *Venus* at the Gates. (3.) The Agreeableneſs of the Sacrifices For Oxen were accounted the moſt noble Sacrifices, and ſo moſt proper for the Worſhip performed in the Capitol. *Et maxima Taurus Victima*, ſaith *Virgil*. *Servius* obſerves, that thoſe who went up to the Capitol in Triumph ſacrificed white Oxen. And again, *Ubique Jovi Juvencum legimus immolatum*. And *Feſtus*, in *Opima Spolia, Jovi Feretrio Bovem cædito*, which he ſaith was a Law of *Numa*. In the *Columna Trajani*, there are Oxen ready to be ſacrificed when he went up to the Capitol. And *Joh. Sarisburienſis*, upbraiding *Gilbert* Biſhop of *London* for attempting to reſtore the *Metropolitan* See to *London*, becauſe it was there in the *Roman* times, he ſaith, *Cultum Jovis inſtaurare diſponit*; *he makes as if he would ſet up the Worſhip of* Jupiter *again*; which ſhews, that he believed a *Temple* to *Jupiter* to have been here in the *Roman* Times; and his Teſtimony is more conſiderable than that of the Monks, who being poſſeſſed with the Story of *Brutus* and his *Troy novant*, could think of nothing but his ſetting up a *Temple* to *Diana*, in remembrance of her Oracle, who directed him firſt to

Lipſius de Magnit. Rom. l. 3. c. 5. Sueton. Tib. c. 40. Cal. c. 57. De illuſt. Gram. in Orbil. Vitr. l. 3. c. 2. Polit. Ep. l. 1. Ep. 2. Hiſt. Rare l. 1. p. 21. Antiq. Med. Part 1. Faſcic. 7. p 157. Sidon. laud. Narb. Greg. Turon de laud. Martyr. c. 48. Eumen. in Panegyr. Chifflet. Veſont. part. 1. c. 16 Hadr. Valeſ. Notit. Gall. p. 149. Vitruv. l. 1. c. 7. Plin. l. 8. c. 45. Virg. Georg. l. 2. Serv. in Æneid. 3. Columna Trajan. n. 241, 242. Joh. Sarisbur. Ep. 272.

Britain. IV.

IV. I now come to the last part of my design, which is, to give an Account of the first Foundation of the Cathedral Church of St. *Paul's* by King *Ethelbert*.

After that by the Influence of his Queen *Bertha*, and the Persuasions of *Augustin* the Monk, (sent hither on purpose by *Gregory* the Great) *Ethelbert* had embraced the Christian Faith, the first thing he took care of was to have Churches erected for the publick Worship of God. For when *Augustin* came first over, *Bede* saith, that he and his Brethren performed all Offices of Religion in the Queen's Church, called the Church of St. *Martins* on the East side of the City of *Canterbury*, which had been built in the time of the *Romans*: But when there was so great Progress made towards the Conversion of the People, as to have the King own himself a Christian, then a new Cathedral Church was fitted up at *Canterbury*, being the Place designed for the Archbishop's See. To this end, he obtained from the King the Grant of the Ruins of an old Church in the *Roman* times; which being by the King's Munificence raised to a greater Splendor, was dedicated to the Honour of our Blessed Saviour, and designed to be the Metropolitical See. For although, according to Pope *Gregory*'s *Model*, *London* was still to have been the chief See, as it had been in the *British* times; yet *Canterbury* being then the Royal Seat of King *Ethelbert*, it is most reasonable to suppose, that by his Authority it came to be fixed there. For otherwise what Reason had *Augustin* to vary from the Instructions of his Master? *Gregory* having declared *London* and *York* to be the two Metropolitan Sees, and several times calling him Bishop of *London*: And yet soon after the Receipt of those Letters brought by *Mellitus* (after Bishop of *London*) the Metropolitical See was fixed at *Canterbury*. Which either shews *Augustin*'s Disobedience to the Pope's Authority, or the King's Power to order what concerns the external Polity of the Church. For the Monks who say, *the See was fixed there afterwards out of Honour to* Augustin, do not consider that *Bede* saith that *Augustin* fixed the *See* in *Christ's Church* for himself and his Successors. Which shews, that it was not done by others after his Death, but by himself, while as yet Pope *Gregory* was living; as appears by comparing the latter end of the first with the beginning of the 2d Book of *Bede*. And the Year before *Gregory*'s Death, he had consecrated *Mellitus* Bishop of *London*, which *Bede* saith was done *A. D.* 604. and *Gregory* died not till *A. D.* 605.

Bed. l. 1. c. 26.
c. 33. *Leland. Collect. To.* 1. p. 31.
Bed. l. 1. c. 29.
Chronic. S. Augustt. Cantuar. M. S. W. Malms. de Gest. Pontif. l. 1. c. 1. *De Gest. Reg.* l. 1. c. 70. l. 2. c. 1. 3.

This *Mellitus* was sent with *Justus*, *Paulinus*, *Rufinianus*, and others, to assist in the great Work of converting the *Saxons* from their Idolatry; and he was pitched upon as the fittest Person to be employ'd in settling Christianity among the East *Saxons*, over whom King *Ethelbert* had at that time great Power, not only because *Sebert* their King was his Nephew, being his Sister's Son, but because he had brought all the other *Saxon* Kings on this side *Humber*, to own a Subjection to him, as *Bede* several times affirms. *Mellitus* was very kindly receiv'd by *Sebert*, and Christianity for the time embrac'd by his People, and especially at *London*, which then continued (as *Bede*, *Malmsbury*, and *Huntingdon* all say) a noble *Emporium*, famous for the Trade which it still maintained into foreign Parts.

l. 1. c. 25. 2, 3, 5. *Bed.* l. 2. c. 3. *Malm.* l. 2. *de Gest. Pontif. Huntingd.* l. 3.

Here

Here by the incouragement of *Sebert* and of *Ethelbert*, two *Churches* were deſigned (as is ſaid) by *Mellitus*; the one within the City to the Memory of St. *Paul*, and the other at a diſtance from it, in an Iſland then called *Thorney*, to St. *Peter*'s. Both theſe are called *Minſters*, i. e. Monaſteries; for from St. *Auguſtin*'s time the Clergy living together with their Biſhop, do bear the Name of a *Monaſtery*. But theſe were of two different kinds; that which ſtood in a place of Retirement, as *Weſtminſter* then did, was intended for a *Nurſery* to the *Church*, wherein Perſons might be bred up in a way of *Devotion* and *Learning*, to fit them for farther ſervice, when they ſhould be taken out; but the other was made up of ſuch who were actually imploy'd in the daily Offices; or ſent up and down by the Biſhop to ſuch Places as he thought fit, for inſtructing the People. This ſeemed to have been *Gregory*'s deſign, when he ſent *Mellitus* and the reſt over, that, where-ever they ſettled a Church they ſhould take care of both theſe *Foundations*. So *Gotſelin* in his Life of St. *Auguſtin* ſaith, that *Ethelbert* after his Converſion took care to eſtabliſh two things, *Epiſcopia & Monaſteria*; which he preſently after calls *Eccleſiæ, & Cœnobia*, i. e. *Cathedral Churches and Nurſeries of Religion and Learning*, to fit Men for the Service of the Church. And that the firſt Monaſteries here were ſo deſigned, appears by the Education of Perſons therein for the Service of this Church. For although at firſt they were forced to make uſe of Foreigners, yet after a reaſonable time the *Engliſh* were bred up ſo, as to be capable of the higheſt Dignities in the Church. For immediately after the Death of *Gregory*'s own Diſciples, *viz. Auguſtin*, *Laurentius*, *Mellitus*, *Juſtus* and *Honorius*, who were ſucceſſively Archbiſhops of *Canterbury*, the next who ſucceeded, was an *Engliſhman* born among the *Weſt Saxons*, who was called by a Latin Name *Deuſdedit*; and after him by the conſent of the Kings of *Northumberland* and *Kent*, *Wighardus* another *Engliſhman* was choſen in his Place, one highly commended by *Bede* for his Learning: and ſo at *Rocheſter*, *Ithamar* a *Kentiſhman* ſucceeded *Paulinus*, and comparable, ſaith *Bede*, to his Predeceſſors, either for Life or Doctrine. He was the firſt *Engliſhman* advanced in the Church, ſaith *Malmsbury*, and brought a Reputation to the Nation by his Excellent Learning: to whom *Damianus* ſucceeded who was a *South Saxon*. Theſe I inſtance in to ſhew that before the coming of *Theodore*, care was taken to breed up Perſons in Learning, for the Service of the Church: and *Bede* takes great care to ſhow how well the Monaſteries were furniſhed to that purpoſe; and how he was brought up himſelf ſo, under *Ceolfrid* from ſeven years old. He tells how many Journeys to *Rome*, *Benedict Biſcop* took to provide the beſt Books for their Library: and he ſpeaks of the Diviſion of his time, between Praying, Studying, Writing, and Inſtructing others. And where *Bede* ſpeaks of *Sigebert*'s appointing a School among the *Eaſt Angles* for the Education of Youth, he ſaith, that *Felix* Biſhop of the Dioceſe, provided Maſters and Tutors for them, according to the Cuſtom at *Canterbury* Now this *Sigebert* was contemporary with *Eadbaldus* Son to *Ethelbert*; and *Felix* was Biſhop of the *Eaſt Angles* while *Honorius* was Archbiſhop and *Paulinus* Biſhop of *Rocheſter*: From whence it follows, that at *Canterbury*, there was care taken in the Monaſtery there founded, for Maſters and Tutors; in order to the Education of fit Perſons for the Churches Service. And *Bede* mentions the great Number of Books

Gotſelin. Vit. Auguſt. *c.* 23.

W. Thorn. Chronic. *c.* 1. §. 6.

Bede. *l.* 3. *c.* 20. *c.* 24. *l.* 4. *c.* 1. *l.* 3. *c.* 14.

De Geſtis Pontif. *l.* 1. Bed. *l.* 3. *c.* 20.

Bed. Hiſt. Abbat. Wirem. *p.* 26.

Bed. Hiſt. *l.* 3. *c.* 18.

l. 1. *c.* 29.

which *Gregory* ſent to *Auguſtin*, as ſoon as he heard of his Succeſs; which were laid up in the Monaſtery of St. *Auguſtin*; but the *M S.* Chronicle of that Abby gives a very ſlender account of them: the chief whereof are, the *Biblia Gregoriana*, *Pſalterium Auguſtini*, wherein was contained the ordinary Offices then uſed of Pſalms and Hymns; *Textus Evangeliorum* with Ten *Canons* in the beginning. Another Pſalter divided into Five Books; with Notes and Directions for the uſing and underſtanding it: and Hymns at the end. Another Text of the Goſpels, with a *Prologus Canonum*; ſeveral Lives of the Apoſtles. An Expoſition of the Goſpels and Epiſtles. And then it is ſaid, *Hæ ſunt primitiæ Librorum totius Eccleſiæ Anglicanæ:* but certainly theſe could not be the *Codices plurimi*, which *Bede* ſaith, were ſent; but we know what diſtinction there was made of Monaſteries and Libraries in the time of the *Danes*; and *Thorn* takes notice of the loſs of many Books by a Fire, *Anno Dom.* 1168.

Chronic. W.Thorn. *c.* 12.

The like care we have reaſon to believe was taken in other *Dioceſes* as well as that of *Canterbury* and the *Eaſt Angles*; eſpecially where we have ſuch evidence of the building a *Cathedral Church* and a *Monaſtery*, as there was by *Mellitus*, in the Dioceſe of *London*. *Bede* indeed ſaith no more than that *Ethelbert*, cauſed *the Church of St.* Paul's to be built in *London* for an *Epiſcopal See*, for *Mellitus* and his Succeſſors. H. *Huntingdon* keeps cloſe to *Bede*, and takes notice only of St. *Paul's* being built by *Ethelbert*, for a Biſhop's See, which he ſaith, was richly endowed by him. And *Gotſelin* of St. *Bertins*, who lived before *Malmsbury*, and was eſteemed by him next to *Bede*, mentions only an Epiſcopal See, as ſettled by *Ethelbert* at *London*. But *William* of *Malmsbury*, not only ſaith, that the Biſhop of *London* had his See fixed in the Church of St. *Paul*, which was built by King *Ethelbert*; but that *Mellitus* built a Monaſtery to St. *Peter* in the Weſtern Part of the City, being admoniſhed, as is ſaid, to do it by a Meſſage from St. *Peter*; and then follows the Legend of St. *Peter's* being ſeen to conſecrate the Church himſelf by a Fiſherman, who brought him over the River in his Ferry-boat: which, he ſaith, was ſo firmly believed, that it had no other Conſecration. *Florence* of *Worceſter* takes no notice of *Weſtminſter*, but only ſaith that *Ethelbert* built the Church of St. *Paul* in this Metropolis of *London*. But others ſay, that *Ethelbert* built the Church of St. *Paul*, and *Sebert* his Nephew that of St. *Peter* at *Thorney*, now called, (from the Church) *Weſtminſter*; ſo *Sporely* the Monk of *Weſtminſter*; and another old Chronicle; and *Sulcardus* who lived in the Conqueror's time, makes *Sebert* alone the Founder of that Church. To which the Charter of King *Edgar* the Confeſſor agrees; but in that of *Edward* the Confeſſor, it is only ſaid, that it was built in the time of *Mellitus*; but *Ailredus* where he gives an account of King *Edward's* Foundation, ſaith that *Sebert* built the Church of St. *Paul* within the Walls of *London* and honoured it with the Epiſcopal See of *Mellitus*; and without the Walls Weſtward he founded a Monaſtery to the Honour of St. *Peter* and richly endowed it. But when the New Church was built at *Weſtminſter* by *Henry* III. (the Old Church of King *Edward* being pulled down) which *Stow* ſaith, was Fifty Years in building; then *Walſingham* tells us, the Body of King *Sebert* was tranſlated from his Sepulchre in the Old Church into the New; he being the firſt Founder of a Church there; and his Body having been buried there about 700 Years

H. Huntingd. *l.* 3.

W.Malmſ. de geſt. Pontif. *l.* 2.

Florent. Wigorn. A. D. 604.

Monaſtic. *p.* 55.

Reyner Apoſtol. Benedict. *p.* 72. 69. 66.

Ailred. Vit. Edwardi. ap. Sur. 5. Jan.

Stow's Survey of London, *p.* 498.

Walſingh. *in* Edw. 1. *p.* 93.

700 Years before. So that upon the whole matter it appears moſt probable that King *Ethelbert* founding the Church of St. *Paul* in the City and eſtabliſhing the Epiſcopal See therein; *Sebert* to ſhew his readineſs to promote Chriſtianity here complied with *Mellitus* his deſires in founding a Monaſtery at *Weſtminſter* for a Seminary to the Church of *Eaſt Saxons*, over which he was Biſhop. So *Baronius* rightly underſtands it when he calls it *amplum Seminarium* a large Nurſery for the Church of *England*; which ſhews, that he believed it to have been firſt deſigned for the Education of Perſons for the Service of the Church; and not for a Monaſtery of *Benedictin* Monks, whoſe buſineſs it was to work with their Hands, when their Offices were performed in the Choire; as appears by the *Benedictin* Rule, which they are ſtrictly bound to obſerve. Baron. *To.* 8. *A. D.* 610. *n.* 10.

The *Church* of St. *Paul* being thus built by King *Ethelbert* and the Epiſcopal See eſtabliſhed, the next thing was to ſettle a Society of his Clergy, who were to live together, under his care and inſpection, and to attend the publick Offices of Religion in the Cathedral, or where the Biſhop ſhould appoint them. And that there was ſuch a Body of the Clergy here fixed by *Ethelbert*, appears by a *Charter* of *William the Conqueror*, wherein he grants to God and St. *Paul* and *his Servants* the Twenty four Hides of Land, which *Ethelbert* gave to the Church of St. *Paul* when he founded it; and therein large Privileges are confirmed and granted to them. The meaning of this Charter is beſt underſtood by *Doomſday-Book*, wherein a particular Account is given of the Lands then held by the *Canons* of St. *Paul*; which for the moſt part are the ſame which they enjoy to this day. In the Charter of King *Ethelbert* mentioned in the Appendix, the Mannor of *Tillingham* is given *ad Monaſterii ſui ſolatium*. King *Athelſtan* in his Charters mentions the Lands given to the *Monaſtery* of St. *Paul* and the Privileges by King *Sebba*, which are confirmed by him. King *Edgar* in his Charter beſtows Land *in Monaſterium S. Pauli:* and ſo doth *Egelſeda* his Queen. King *Ethelred* Father to *Edward the Confeſſor* gives Land to St. *Paul ejuſque Eccleſiæ Fratribus*, and to the Brethren of his Church. In another Charter of his they are called *Terræ Monaſterii B. Pauli*, the Lands belonging to the *Monaſtery* of St. *Paul*'s. In a Charter of King *Cnute* all the Lands were confirmed which were given *ad augmentum Monaſterii B. Pauli*, &c. In a Charter of *William the Conqueror* he reſtores ſome Lands which had been taken from the Church of St. *Paul*'s and calls them *Terras Monaſterii S. Pauli*, &c. Theſe things I mention to ſhew that there was a Society of the Clergy upon the firſt building of the Church who lived together under the Government of the Biſhop, and had Lands given them by ſeveral Kings before the Conqueſt (or the building of the great Church begun by *Mauricius*) and appropriated to their uſe.

This Body of the Clergy ſo living together went then under the Title of a *Monaſtery*. And ſuch a one was called *Monaſterium Epiſcopale* by *Marianus Scotus*; and *Monaſterium Canonicorum* in the *Capitulars*; ſuch Clergy being then called the *Canons* of the Church. Of which a twofold Reaſon is given; either firſt from their inrollment among the Members of the Church, which Roll was called *Canon*; or from their having their ſhares out of a common Stock. *Canon* ſignifying a certain payment and ſo uſed among the *Romans*, as appears by *Aſconius Pedianus*; thence Marian. Chron. A.D. 1081. Capitular. Vol. 2. *p.* 53. Aſc. Ped. *in* Verr. 3.

Cod. Theod. XI. Tit. 1. l. 30. 31. l. 36. Agobard. de Grand. c. 15.

the *Canon Frumentarius* in the *Theodosian Code*; *Canon Vestium*, *Canonica pensitatio*; and the *Canonici Tituli* in a Law of *Valentinian*: and *Agobardus* mentions the *Canonicum* which was a certain proportion of Corn, which some People paid to Persons, whom they believ'd could secure the rest while growing, from the force of ill Weather. And so *Præbenda* signified a certain allowance of Diet among the *Romans*, to Souldiers and others; and the Proportions of Bread allow'd by the Imperial Laws to the Citizens of *Rome* and *Constantinople* were called *Panes Præbendarii*; which were set out according to the *Canon Frumentarius*. Both which words came afterwards into the use of the Church; when there came to be allowances made out of the Common Stock to particular Persons. In St. *Cyprian*'s time we read of the *Sportulantes Fratres*, and the *Divisiones mensurnæ*; which shews that the Clergy had their shares then allow'd them, which the Bishop had the distribution of. This Stock did in those times of Persecution arise out of the Benevolence of the Christians; but when Christianity came to be settled, *Constantine* did make a large allowance to the Clergy of the Cities, by a legal Establishment, besides the Donations of particular Persons. This is expresly affirmed by *Sozomen*, viz. that *Constantine* did set apart a share of the Publick Revenue to the Clergy of every City, which he confirmed by a Law: which Law, saith he, remains still in force, being only repealed in the time of *Julian*. By vertue of which Law, the *City Clergy* were well provided for, throughout the *Roman* Empire; and in *Gregory*'s time, there were annual *Præbends* paid to them; as appears by an Epistle of his to the Bishop of *Messina*; wherein he charges him to pay to the Clergy their *annual* allowance, according to Custom. But when a New Church was to be founded here among the *Saxons*, *Gregory* advised *Augustin* to follow the Primitive pattern in the Church of *Jerusalem*, viz. for the Bishop and his Clergy to have all things in Common. It seems by *Augustin*'s Question, his desire was to know what share was to be reserved to the Bishop out of the Common Stock; *Gregory* tells him that at *Rome* indeed, the Bishop had his share distinct from the *Clergy*; but he could not advise such a Distribution in the beginning of a Church, as the case was then in *England*. And it is plain from hence, that he designed to set up here that Course of Life, as *to the Bishop and his Clergy*, which had been first brought into the Western Church by *Eusebius* of *Vercelles*, and follow'd by *Simplicianus* at *Milan* and St. *Augustin* at *Hippo*. And the Clergy Men so living, from adding a particular Rule to the general obligation of Church-men, were in after-times, called *Canonici Regulares*, which as *Petrus de Marca* observes, is no such impropriety, as is commonly thought; since the former only relates to their being in *Canone*, i. e. among the Clergy; and the latter to their obligation, to live together after a *peculiar Rule*. But I do not find that *Augustin* did follow this Counsel; and the Reason I suppose was, because he found *Ethelbert* in so good a Disposition to make a settlement of sufficient Revenues to maintain both the Bishop and Clergy as distinct from each other. So that the Original Endowment of the *English* Church, is not to be construed according to the quadripartite or tripartite Division, so often mention'd in other Churches of the Oblations of the Faithful: but according to the intention and design of such pious Founders of *Cathedral Churches*, as King *Ethelbert* was. Who not only built the *Church of* St. *Paul*, and gave Lands to maintain the Bishop; but

Sozom. l. 5. c. 5.

Greg. Reg. l. 1. Ep. 64.

Bed. l. 1. c. 27.

Hist. de Bearn. l. 5. c. 10. n. 1.

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he made a settlement, for the maintance of the Clergy, as a distinct Body, (but under the Government of the Bishop) as appears by the Charters already mentioned. But before I conclude this Discourse, I shall briefly endeavour to make out the usefulness of *Cathedral Churches* in a Christian Kingdom, in a three-fold Respect.

(1.) To the Bishop of the Diocese.
(2.) To the Publick Worship of God.
(3.) To the Propagation of Religion.

(1.) As to the Bishop of the Diocese.

The Clergy being settled under the Eye and Care of the Bishop, were not only ready to attend the *Publick Service* in the Church, but to assist as an *Ecclesiastical Senate* to him in the great affairs of his Diocese. Thence *Ignatius* calls the Presbyters of the Church (in conjunction with the Bishop) a *Divine Council*; and *Origen*, a Senate in every City of God's own appointing; answering to the *Collegium Decurionum* in every *Roman* Corporation. St. *Cyprian* very frequently mentions his *Compresbyters* as sitting with him. At *Rome*, the College of Presbyters not only governed the affairs of the Church in the vacancy of the See, as appears by St. *Cyprian's* Epistles; but he saith, that the Clergy there sat all together with the Bishop, and made up a holy and venerable Senate. *Et nos habemus in Ecclesiâ Senatum nostrum, cætum Presbyterorum*, saith, St. *Jerom:* where he writes without provocation. The Author of the Commentary on the Epistles in St. *Ambrose's* Works, wonders how in some Places, the Council of Presbyters came not to be so much regarded; which he imputes to sloth on one side, and Pride on the other: But that it was not commonly so, appears by St. *Jerom's* Words, who saith the Christian Church had still such a Senate of Presbyters. The 4th Council of *Carthage*, voids the Sentence of a Bishop, if he gave it without the Advice of his Clergy. St. *Chrysostom* saith, the Presbyters had their share in the Government of the Church. And therefore it is no wonder if the *Deans* and *Chapters* of this Church, have had time out of Mind, any part of the *Ecclesiastical Jurisdiction* committed to them. And by the Canon Law, the *Dean* or *Archipresbyter* hath a Right of Visitation of the Churches within his Jurisdiction, as *Alteserra* proves. For the Ancient Power of the Presbyters, under the Bishop, upon the great increase of the Clergy, came to be fixed, by a kind of devolution upon those who were nearest to the Bishop, and so more capable of Assisting in the affairs of the Diocese. So *Claudius Fonteius*, a late learned Divine of *Turin* having undertaken to clear the Ancient Right of Presbyters in the Government of the Church in subordination to the Bishops, he intended to shew, if he had lived, how that Right came to be devolved upon the *Deans* and *Chapters* of *Cathedral Churches*. *Joh. Molanus* saith, the Clergy who reside in Cathedral Churches are, *Episcopi Confratres, Consiliarii & Assessores*, and presently after he calls them *Senatum Ecclesiæ*. Thence the Canon Laws calls the *Dignities* and *Prebends* of the Cathedral Churches *membra Episcopatus*; of which *Molanus* gives this Account, because by their first Institution, they were designed for such, who were to be *opitulatores & co-operarii Episcopalis solicitudinis:* and so *Card. Palæotus* calls them in the Discourse he made

Ignat. Ep. ad Trall. p. 48. ed. Is. Vossii. Orig. c. Cels. l. 3. p. 129. Cypr. Ep. 1. 39. 40. Ed. Oxon. Ep. 8. 9. 20. 27, 35, 36, 59. Hieron. in Isai. c. 3. In 1 Tim. 5. Constit. Apostol. l. 2 c. 28. Concil. Car. 4. c. 23. Chry. Hom. 11. in 1 Timoth. Differt. Juris Canon. l. 1. c. 16. De Antiquo jure Presbyter. in Regim. Ecclesiæ Taurini. A.D. 1676. Molanus de Canonicis l. 1. c. 27. Decr. p. 2. c. 1. q. 3. c. 3. Molan. de Canon. l. 2. c. 2.

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Palæot. de Adminiſt. Eccleſ. Bonon. Part. 7. p. 508. p. 513. Hallier de Sacris Elect. & Ordinat. p. 110. 114. Azor. Part. 2. l. 4. c. 3. 9. 5. Anton. Frances de Eccle. Cathedr. c. 3. n. 82. Palæot. de Sacri. Conſiſt. Conſult. Part. 1. Qu. 3. Art. 7. Art. 2.

to the *Canons* of his Church of *Bononia*; and he proves, that they are *the Biſhops Counſel* by the Canon Law, as well as by the Teſtimonies of the Fathers. Theſe, as *Hallier* obſerves, are ſaid to be *à latere Epiſcopi*; as the Legats *à latere* were thoſe which the Biſhop of *Rome* ſent from his own Clergy, or Conſiſtory; for none but ſuch, as the *Canoniſts* tell us, can be ſaid to be *à latere* though ſent by the Pope, and his own Attendents. And thoſe of his Conſiſtory do plead that the Pope cannot diſpatch any great affairs of the Church without their Advice, as appears by the Clauſe in his Bulls *de Fratrum noſtrorum Conſilio.* But it is warmly debated among the Canoniſts how far the Pope is bound to take and to follow their Advice. *Card. Palæotus* ſaith, ſome went ſo far as to null all Acts that are done without it; chiefly for this Reaſon, becauſe thoſe who deny the Neceſſity of it, yet all grant it to be *de honeſtate*, and therefore the acting without it is *contra honeſtatem*, which, ſay they, renders the Act void in Law. But although he denies the Conſequence, yet he grants that there is an Obligation on the Pope to take the Advice of his Conſiſtory; which he proves by many Arguments in the fore-going Sections; and the firſt is from the Parity of Reaſon as to a Biſhop and his Chapter; who, ſaith he, *Jure Communi* is bound to make uſe of it; and the College of Cardinals hath the ſame reſpect to the Pope, which the *Chapter* hath to a Biſhop; who are by the Canon Law ſtiled *Concilium* and *Senatus Epiſcopi*, as *Barboſa* and *Antonius Frances* confeſs. But that which is far more material to us, is, that by our *Common Law*; it is ſaid, *That the Dean and Chapter were appointed as a Council to the Biſhop; with whom he is to conſult in Caſes of Difficulty, to which purpoſe every Biſhop* habet Cathedram; *and who are to conſent to every grant*, &c. And in the Caſe of *the Dean and Chapter of* Norwich, *their being is declared to be ſo neceſſary, that although they ſhould depart with their Poſſeſſions, yet for neceſſity the Corporation doth remain, as well to aſſiſt the Biſhop in his Calling, as to give their Aſſent*, &c.

Barb. de Can. & Dignitat. c. 42. n. 1. Ant. Fran. de Eccleſ. Cathedral. c. 14. n. 93. 94, 95. Co. 3. Rep. Dean and Chapter of Norwich.

(2.) The *Cathedral Churches* being thus eſtabliſhed in the *Biſhop*, and his *Clergy*, all things were to be ſo ordered as might the moſt tend to the ſolemn Performance of the Publick Worſhip of God; which was another End of the firſt Inſtitution of them, and an Argument of their Uſefulneſs. For in the beginning of a Church it was neceſſary for the Biſhops to have an Eye to two things; firſt to ſet up the publick Worſhip in the moſt decent and ſolemn Manner, and in the Places of greateſt Reſort; and this was the Foundation of *Cathedral Churches*; the ſecond was to gain as many Converts as they could in diſperſed Places, and to let them want nothing that was neceſſary to the Chriſtian Profeſſion, and this was the Foundation of *Parochial Churches*: which were as the Synagogues to the Temple at *Jeruſalem*; being built for the Conveniency of thoſe who could not attend the ſolemn Worſhip of God in the Temple. So it was in the Chriſtian Church; every Cathedral in its firſt Inſtitution was as the Temple to the whole Dioceſe, where the Worſhip was to be performed in the moſt decent, conſtant and ſolemn Manner; for which End it was neceſſary to have ſuch a Number of Eccleſiaſtical Perſons there attending, as might ſtill be ready to do all the Offices which did belong to the Chriſtian Church. Such as Conſtant Prayers, and Hymns, and Preaching, and Celebration of Sacraments; which were to be kept up in ſuch a Church as the daily Sacri-

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fice was in the Temple. Not only for the satisfaction of all Persons who desire to know what the Manner of our Worship is, but that all devout Persons may certainly know whither to go at certain Hours to offer up their Prayers and Thanksgivings to God, and that in the most publick and solemn Manner. And upon this Ground the Institution of *Cathedral Churches* among Christians was a very pious and reasonnble thing. For granting that all that is meerly necessary to Salvation may be had in Parochial Churches, yet must those who profess themselves Christians, look at nothing in the Worship of God beyond what is plainly necessary? It can never be proved necessary to Salvation to have Parochial Churches well built, or decent Pulpits or Pews in them, or to go to those Churches in a more orderly Dress than they sit in at home, or to have the Psalms set to the best Tunes, or to have their Bibles handsomely bound; yet there is such a becoming Decency in these things, as argues, that what relates to God and his Worship, ought to have something above what is barely necessary. For to give God no more than just what is necessary, is as if we thought we had a hard bargain of it, when we were required to serve him. Shall Ingenuity, Gratitude, Generosity, Beneficence have no Influence on what relates to the Publick Worship of God in the World? But if the greater Solemnity of Divine Worship makes for the greater Honour of Religion, then there arises an Obligation to promote it proportionable to the Concernment we have therein. It is certain the Worship of God in his Temple might have been performed after a sort by a far less Number of Men, without the Courses of Singers and Levites, and Priests of several Ranks, who were required to attend it. But God would be worshiped in a way becoming his Greatness and Majesty. It is true he hath not laid such a strict Law upon the Christian Church, as to the Solemnities of Worship, but we are obliged to do whatsoever things are orderly, decent, and of good Report. So that we are only to enquire, whether such a so- Phil. 4. 8.
lemn way of worshipping God be of this Nature, and if it appear to be so, we are obliged to promote and maintain it. And who is so fit a Judge of what becomes his Service as God himself? Would he have suffered any Indecency in his Worship, because there were Types and Shadows among the Jews? What did the Psaltery, and Harp, and Organs, and Ten-stringed Instruments, and loud sounding Cymbals signifie? Why should the harsh unpleasing Voices and unskilful Singing of common People be thought more agreeable to Gospel-worship, than grave and melodious, vocal and instrumental Musick? And why should the best Harmony in the Worship of God be thought a Jewish Dispensation? It is a great mistake in those that look on all things practised in the Jewish Church as Ritual and Ceremonial, which related to the Worship of God. For there were many Circumstances used and allow'd, which had no relation to the Ceremonial Law, but were taken up as fit Expressions of Natural Decency, and helping to set forth the Solemnity of Divine Worship. Of this kind I suppose the Musick of the Temple to have been, for there was no Institution of it in the Ceremonial Law; which was so complete in its kind, that there was a Command not Deu. 44. 8.
to add to it; which extended to Princes and Prophets as well as others. 12, 32.
And although God by his Prophets did lay other Commands on the People, yet he added not to the Ceremonial Law; but rather such as interpreted and mollified the strictness of it, and made the Ritual Service more

1 Chron. 6. 31. more eaſie to them. And for this End in probability it was, that when the Publick Worſhip came to be ſettled in *David*'s time by the reſting of the Ark, then it is ſaid, that *David* appointed the conſtant Service of the Choire; for the words are, *And theſe are they whom* David *ſet over the Service of Song in the Houſe of the Lord after the Ark had reſt.* 32. *And they miniſtred before the Dwelling-Place of the Tabernacle of the Congregation with ſinging, until* Solomon *had built the Houſe of the Lord in* Jeruſalem, *and then they waited on their Office according to their Order.* Here is the plain Inſtitution of the Service of the Choire, with the Nature of their Duty, and the Order uſed in the Performance of it; and the Number of thoſe who were firſt appointed for it, is ſaid to be *two hundred fourſcore and eight*; who were diſtributed into Twenty four 25. 7. Courſes for the more convenient Attendance; over whom *Aſaph*, and 6. *Jeduthun*, and *Heman* were as the *Præcentors*, whoſe buſineſs was to take care of thoſe who were to be brought up to the *Service of ſinging in the Houſe of the Lord*; and therefore *David* directs his Pſalms, as Anthems compoſed for the Uſe of the Tabernacle, to theſe as the chief Maſters of the Church-Muſick. But ſome of theſe, eſpecially *Aſaph*, did himſelf compoſe *Anthems*, which were conſtantly uſed with thoſe of *David* in the Publick Service: For in the time of *Hezekiah* it is ſaid, 29, 30. that *the Levites were commanded to ſing praiſe unto the Lord, with the words of* David *and of* Aſaph *the Seer*; and this Attendance was ſo con- 23. 30. ſtant, that *they were to ſtand every Morning to thank and praiſe the Lord, and likewiſe at Evening*; and their full Number at the End of *David*'s 5. Reign was increaſed to 4000, *who praiſed the Lord with the Inſtruments that* David *made.* So extremely careful was he about it! And it is ſaid of *Solomon*, that *he appointed according to the Order of* David *his Fa-* 2 Chron. 8. 14. *ther, the Courſes of the Prieſts to their Service, and the Levites to their Charges to praiſe and miniſter before the Prieſts, as the Duty of every Day required.* And it is obſervable afterwards, in the Reformations ſpoken of, there was not only a great Regard had to the Levitical Service appointed by the Law, but to this particular Inſtitution of *David*. So of 23. 18. *Jehoiada*, that *he appointed the Offices of the Houſe of the Lord by the Hand of the Prieſts, the Levites whom* David *had diſtributed in the Houſe of the Lord; to offer the Burnt-Offerings of the Lord, as it is written in the Law of* Moſes, *with rejoycing and ſinging as it was ordain-* 29. 25. *ed by* David. And of *Hezekiah*, that *he ſet the Levites in the Houſe of the Lord with Cymbals, Pſalteries, and Harps, according to the Commandment of* David, *and* Gad *the King's Seer, and* Nathan *the Prophet; for ſo was the Commandment of God by his Prophets.* Which words are on purpoſe added, leaſt all this ſhould be thought an illegal Impoſition, by virtue of *David*'s Royal Authority, without God's particular Approbation. And after the Return of the Jews from the Captivity, this was one of the firſt things ſet up with reſpect to the Worſhip of God; Ezr. 3. 10. for we read, *when the Builders laid the Foundation of the Temple of the Lord, they ſet the Prieſts in their Apparel with Trumpets, and the Levites the Sons of* Aſaph, *with Cymbals to praiſe the Lord, after the Ordinance of* David *King of* Iſrael. *And they ſung together by courſe in praiſing and giving thanks unto the Lord, becauſe he is good, for his mercy endureth for ever towards* Iſrael. And this Cuſtom, as far as we can learn, continued as long as the *Jewiſh* Temple ſtood, and therefore was conſtantly obſerved in our Saviour's time; who was frequently preſent at the

the *Temple Muſick*, which begun in Courſe as ſoon as the Oblation was over. In the time of offering the Incenſe the Solemn Prayers began, both Morning and Evening; and when the Daily Sacrifice was at an end the Choir began their Service. The former no one queſtions, was a part of Natural Religion added to the Ceremonial Worſhip, and there is no Reaſon to queſtion the latter to have been of the ſame kind; but had more expreſs Divine Approbarion by the Prophets than in being at the time of *David*'s firſt Inſtitution of it. By whom the Publick and Solemn Prayers were firſt appointed, we have no certainty; but we know that the uſe of the Quire was firſt appointed by no leſs a Perſon than *David*, a Man after God's own Heart; who would therefore never ſet up a Way of Worſhip any ways unſuitable to the Divine Nature. And it ſeems very unreaſonable to think *David*'s Pſalms ſtill fit to be uſed, and the way of ſinging them, which himſelf appointed, *viz.* in *Inſtrumental* as well as *Vocal Muſick*, to be unbecoming the Chriſtian Church; for how comes one to be Typical and Ceremonial and not the other? If there be any thing indecent in the former, *i. e.* it be light and vain, on that account it ought to be rejected as unſuitable to Divine Worſhip; but if it be grave and ſolemn, apt to compoſe or elevate the Mind in Acts of Devotion towards God, it is not eaſie to underſtand, why it ſhould not be very agreeable to the *Nature* and *Deſign* of *Publick Worſhip*. And a very learned Perſon had undertaken to make out that the uſing both theſe ſorts of Muſick in the Worſhip of God is one of thoſe things which are common to all Religion (as he particularly deſigned to prove out of the Oriental Books) and therefore ought to be look'd on as a Dictate of Reaſon and Natural Religion; not ſtrictly taken for the Neceſſary Duties of it, but for what is naturally Decent and becoming the Worſhip of God. And ſo much at preſent may ſuffice as to this part of the Cathedral Service; as to others I have occaſion to give an account of them in another place.

Jac. Golius in Epiſt. ad Diſſert. de Organ. p. 72.

(3.) As to the Propagation of Religion. For the Biſhop and his Clergy being united together in one Body, he knew better how to direct and imploy them in ſeveral Places abroad in order to their Converſion and Eſtabliſhment; and by their returning back to him, he had a conſtant and certain Account of the Affairs of his Dioceſe. And this was generally the means whereby moſt Countries were converted to the Chriſtian Faith; the Biſhop and his Clergy leading very Regular Lives together, and when they went or were ſent abroad, it was with a deſign only to do Good among them, and ſo to return to their Society again. And this continued till ſuch time as Pariſhes were divided; which was not near ſo ſoon as is commonly thought. It is generally ſaid, that Pariſhes were divided in the *Saxon* Churches in the time of *Honorius* Archbiſhop of *Canterbury*, who was one of *Gregory*'s Diſciples; and the learned Author of the *Antiquitates Britannicæ*, is produced for it. Mr. *Cambden* follows his Authority: for he alledges none elſe. But whoſoever conſiders the Circumſtances of that time will find no Reaſon to believe it; this Church being ſo little ſettled before *Theodore*'s coming, and hardly capable of a Diviſion into Pariſhes then; ſo that had it not been for the Cathedral Foundations, there had been no tolerable Subſiſtence for thoſe who were to carry on that difficult Work of Converting the *Saxon* Idolaters: but the great Advantage was, that the Cathedral Churches being firſt endow'd by the Munificence of the firſt Chriſtian Princes, they were thereby enabled to conquer the many Dif-

Ant. Brit. in Honorio. Cam. Brit. p. 116.

ficulties they otherwise met with. As will best appear by a brief Account of the State of the Churches here in those times. I begin with the Diocese of *London*; while *Ethelbert* and *Sebert* lived, by the assistance of *Mellitus* and his Clergy, the Face of Christianity was kept up in *London* and other parts of the *East Saxon* Kingdom. But after their death *Sebert*'s 3 Sons returned to *Paganism*, and affronted *Mellitus* in the publick Celebration of the Eucharist, and because he refused to give it them without Baptism, they banished him and his Clergy. Upon the Conversion of *Eadbaldus* Son to *Ethelbert*, *Mellitus* was recalled and sent back to *London*, but the *Londoners* would not receive him, and persisted in their Idolatry; although the Sons of *Sebert* were all destroyed. After which, the Bishoprick of *London* was vacant about 40 years till after *Honorius* his death; how then could Parishes be divided in this Dioceſs in his time? But in the time of *Sigebert*, by the perswasion of *Oswi*, King of the Northern *Saxons*, Christinity was again received in these parts, and *Cedda* was made Bishop of the East *Saxons*; and of him it is said indeed that he built Churches, and ordained Priests and Deacons for his Assistance, chiefly at a place called *Ithancester* (not far from *Maldon* in *Essex*, saith *Radulphus Niger*, and *Camden* thinks it was *Othona* in the *Roman* times) and at *Tilaburg* now *Tilbury* on the *Thames*. But in the time of *Siger* and *Sebbi* there was a new Apostasie in the Dominions of the former, as *Florentius Wigornienſis* saith; whereupon *Wolfere* King of the *Mercians* sent *Jarumannus* to convert them, and he effected his design, saith *William* of *Malmsbury* and *H. Huntingdon*, who succeeded *Trumhere* in the Bishoprick of the *Mercians*. But *Wolfere* sent *Wina*, driven out from the West *Saxon* Bishoprick by *Kenwalch*, to the Bishoprick of the East *Saxons*, where he continued Bishop as long as he lived, say *Bede* and *Florentius*; but not reckon'd among the Bishops of *London*, saith *Matt. Westminster*, because he came in by *Simony*: which shews that the Endowments of the Bishoprick were then recovered.

Bed. *l.* 2. *c.* 5.

l. 3. *c.* 22.

Florent. Wigorn. ad A. D. 664.

W. Malmſ. de gestis Pontif. *l.* 2.

H. Huntin. *l.* 3. *p.* 191.

Bed. *l.* 3. *c.* 1.

Florent. ad A. D. 666.

After him *Erkenwald* was made Bishop of *London* by the favour of K. *Sebba*, saith *Leland*, out of an old Author of his Life, (who was Canon of St. *Paul*'s in the time of *Gilbertus Universalis*.) This *Erkenwald* was one of the Disciples of *Mellitus*, and consecrated Bishop of *London* by *Theodore*, who lived and died with great Reputation for Sanctity, and was buried in St. *Paul*'s; to the Structure whereof he had given freely, and out of his own Possessions increased the Revenue of the Church, and obtained large Privileges for it, saith Bishop *Godwin*. It is pity he did not cite his Authorities, that we might learn what Alterations were made in the Church of St. *Paul* by *Erkenwald*; for the Author of his Life affirms, that it continued the same to the time of the horrible Fire in the Conquerour's time, which burnt it to the Ground. He describes it as a Timber-Building, and saith, they did not then understand the way of Building with Stone Arches; which was brought in by the *Normans*. From whence some have concluded, that our Churches before the *Normans* were all made of Wood; but if I mistake not, this new way of Building relates only to the Roof, and not to the Walls, *i. e.* they did not understand the way of turning such great Arches with Stone, as were in the New Church of St. *Paul*'s begun by *Mauricius*. For the *Saxons* did know the way of building Churches with Stone, as appears by what *Matt. Westminster* saith of King *Edwin*'s building a Church of Stone for *Paulinus* at *York*. I confess *Bede* saith not so much, but only that a *Basilica* was built by him, which was after burnt by the *Pagans*; but

Leland. Col. *vol.* 2. *p.* 22.

Somners Antiq. *of* Canterb. *p.* 156.

Stow. Survey *of* London, *p.* 351.

Mat. West. A. D. 628.

Bed. *l.* 2. *c.* 14.

Stephanus

Stephanus Heddius, who lived before *Bede*, in the *Salisbury* MS. (for that part is defective in the *Cotton* MS.) affirms that *Edwin* did build at *York* a Church of Stone, which was afterwards repaired by *Wilfrid*, and the Windows adorned with Glass then newly brought into *England* by *Benedict Biscop*. And *Bede* himself saith, that *Paulinus* having converted *Blecca* the Governour of *Lincoln* set up there *Ecclesiam operis egregii de lapide*, a famous Church of Stone, the Walls whereof stood in his time, but the Roof was decayed; in which Church *Paulinus* consecrated *Honorius* Archbishop of *York*. And there is no reason to suppose the Church of St. *Paul's*, being founded by King *Ethelbert*, the richest King of the *Saxons*, should fall short of the Churches built at *York* and *Lincoln* not long after. But as to *Parochial Churches*, I can find no certain evidence of any one that was built in *London* in the *Saxon* times: For what *Matt. Westminster* saith of St. *Martins's Ludgate* being built by the *Britains* for the sake of *Cadwallader*, is very improbable, considering the great hatred between the *Britains* and *Saxons* at that time, even after they both professed to be Christians, which *Bede* speaks of with great resentment. As to the Tradition of St. *Peter's Cornhill*, that depends upon the credit of an obscure Table hung up in the old Church, without sufficient Authority to attest it; and if it prove any thing, it only proves, that the old Cathedral stood there in the time of the *Romans*, and not that there was any *Parochial Church* there after the building of St. *Paul's*. So that the main care of preserving and propagating Religion in the City of *London*, if not through the whole Diocese, did in those elder times of the *Saxon* Churches depend upon the Bishop and his Clergy, who were then settled in the Cathedral Church of St. *Paul's*. And to it the City resorted, to attend on the publick Offices of our Religion; and especially to the celebration of the Holy Sacraments. For even after the time that for the multiplicity of Converts in great Cities, there was a necessity of having other places for the People to meet in for Prayers, *&c.* I much question whether the Administration of Sacraments were commonly allowed to the Parochial Churches, unless the Bishop and his Clergy went thither. And *Onuphrius Panvinius* and *Josephus Vicecomes* have proved that there was for some time but one Baptistery in a City, and that by the Cathedral Church; and the One Altar relating to the Bishop doth imply that those who were under the care of the Bishop did communicate with him. Which Notion is so far incorporated into the Canon Law, that it is a Maxim still received, that the Cathedral Church is *the Parish* to the whole Diocese; so that those who administer there, may give to those of any Parish, and those who receive there do answer the Canons as much as if they did it in their own Parochial Churches; and that Magistrates on solemn Days are bound to go to the Cathedral Churches; which say the Canonists, doth not arise from the Presence of the Bishop, but from the very Notion and original Right of a Cathedral Church, which they call *Jus Cathedralitatis*: which, say they, can no more be taken away from it by the Bishop, than a Parochial Minister can take away the Right of a Parish from his Church. All these Privileges are the remainders of the ancient Practice, and the Testimonies of that Right which accrues by them; and is not lost by the frequency of Parochial Churches.

Vit. Wilf. §. 15.

Bed. *l.* 2. *c.* 16.

Mat. West. ad A. D. 675.

Onuphr. Pavin. de 7 Urbis. Eccles. Joseph. Vicecom. de antiq. Baptism. Ritib. *l.* 1. *c.* 8. Anton. Fra. de Eccles. Cathedr. *c.* 15. *n.* 173. Decret. Greg. *l.* 1. *f* 34. *c.* Officium. *v.* foris. Lavorii Variæ Lnders. Tit. 2. *c.* 11. *n.* 65. Barbosa de Canonic. & Dignit. *c.* 6. *n.* 19. Chassan. Cat Glo. Catal Glo.

But to proceed in shewing how the Christian Religion was here propagated by the means of the Cathedral Churches at first erected. *Sigebert* King of the *East Angles* fixed the Episcopal See for *Felix* who came

Mundi, part. 4. consi. 47. Anton. Fran. de Eccles. Cathedr. c. 21. n. 64. 65. 110. 111. Bed. l. 2. c. 15. l. 3. c. 7. c. 21. l. 4. c. 3.

out of *Burgundy* at *Dumnoc* or *Dunwich*; where he resided 17 years, and was the means of converting the whole Province. *Birinus* was fixed at *Dorcester* as his Episcopal See by the Gift of *Cynigilsus* King of the *West Saxons* and *Oswald* King of the *Northumbers*; and by that means much People was converted and several Churches built in his own time. The Kingdom of *Mercia*, or the *Middle Angles*, seem to owe their Conversion to Four Presbyters, *Cedda*, *Adda*, *Beffi*, and *Diuma*, the 3 first *English*, and the last a *Scot*; but this was while *Penda* lived, who was no Christian; but he was no sooner dead but a Cathedral Church was erected and *Diuma* was made Bishop of the *Middle Angles*, and was very successfull in converting much People in a little time. In the time of *Wulphere Cedda* was by *Theodore's* means made Bishop of the *Mercians*, and the Cathedral Church was fixed at *Litchfield*; who besides the Body of his Clergy had, saith *Bede*, 7 or 8 of his Brethren, with whom in his retirement as often as he had leisure from his work of Preaching, he was wont to Pray and to Study; and after his death *Winfred* one of his Clergy succeeded him Lastly, as to the *South Saxons Wilfrid* the Bishop of *York*, but then driven out, was the chief Instrument of their Conversion, but he had the assistance of his Clergy who are mentioned by *Bede:* and King *Edilwalch* fixed the Cathedral Church for them at *Selsesey* and very liberally endowed it. From which it appears how extremely usefull the first Cathedral Churches among the *Saxons* were for the Conversion of the Nation; and upon what great Considerations the first Christian Kings of the *Saxons* did bestow their Endowments upon them: which in some measure they have ever since enjoyed, and there is Reason to hope they will do, as long as Christian Princes and the due sense of our Conversion to Christianity remain among us: which I hope will be to the Worlds End.

c. 13.

THE

A

DISCOURSE

Concerning the

Unreaſonableneſs of a New Separation,

On account of the OATHS: With an ANSWER to the Hiſtory of PASSIVE OBEDIENCE, ſo far as relates to THEM.

SIR,

YOur former Letter gave me an Account of Your own and others Diſſatisfaction about the Oaths; but your ſecond carries the Point a great deal farther; for therein you tell me, *Thoſe who are unſatisfied, think themſelves bound to ſeparate from the Communion of thoſe who have taken them; and that if Eaſe be not given to the Scrupulous, new Congregations will be immediately formed; and therefore you beg my Aſſiſtance in clearing theſe Points, in order to the preventing a New Separation.*

I was not a little ſurprized at the reading theſe Paſſages; and I ſoon apprehended the miſchievous Conſequence of a *new Schiſm*, eſpecially among the Members of the Church of *England*. But I can hardly think it poſſible that thoſe who have expreſſed ſo great a Senſe of the *Miſchief* of it in others, ſhould be ſo ready to fall into it themſelves, and that upon the meer Account of *Scruples*; when the Difference is only about the Reſolution of a Caſe of Conſcience, wherein Wiſe and Good Men may eaſily differ: But it cannot be a Mark either of *Wiſdom* or *Goodneſs*, to ſeparate from thoſe who do ſo. Some think the Oaths lawful, and therefore take them; others do not, and therefore forbear: But is taking the Oaths made a Condition of Communion with us? Is it required of all who join in our Worſhip, at leaſt, to declare, that they think the taking of them to be lawful? If not? what Colour can there be for breaking Communion on the Account of the Oaths?

Suppoſe thoſe who take the Oaths are to blame; If they act according to their Conſciences therein, what Ground can there be of Separation from them for ſo doing, unleſs it be lawful to ſeparate from all ſuch who follow the Dictate of an Erroneous Conſcience? And ſo there can be no End of Separations, till all Men's Conſciences judge alike: for a Man's Conſcience is his practical Judgment concerning Moral Actions; and there are ſo many Circumſtances, which vary the Nature of ſuch Moral Actions, as Oaths, that I do not wonder to ſee Men differ about them; but I ſhould wonder and lament to ſee them ſeparate from each other for the ſake of ſuch a Difference.

But there is a great deal of Difference between a *Tenderneſs* and a *Sowreneſs* of Conſcience. There is a natural Tenderneſs in the Eye, which makes it apt to be offended with Motes; and in that Caſe it is to be gently dealt with: But when an ill Humour falls into it, there ſeems to be greater Tenderneſs, but from a worſe Cauſe; and then the beſt

way of Cure is to sweeten or remove the bad Humour which caused it. I cannot imagine why, because some Men's Consciences are so tender in the Point of Loyalty, that they cannot take the Oaths, that they must be so tender too, as not to joyn in Communion with those who do it. This seems to come from another Cause, and not from the Original Scruple. Are they afraid of joyning with others, not so tender as themselves? This is the *Scruple* about *mixt Communion*, which hath been so long exploded among us. What then? Have we hereby changed the Standard of our Communion, or are there in this Case imposed any new Terms of Communion with us? How then comes a Scruple about the Oaths to lead men to think of a Separation? How come they to make so much Conscience of one, and so little of the other? Is a Separation from our Church become a Duty with those, who so lately looked on it as so great a Fault in others? But, I perceive, a tender Conscience is like a tender Constitution, it is soon put out of Order: So much greater Care then ought those to have who forsake any worldly Advantages for the sake of their Consciences, lest that which begun with a Scruple, at last end in Humour and Faction, and the Ruine of that Church, which they have always pretended to value.

But to leave these general Reflections, I shall now apply my self to the main Point, Whether there be any Reason for these Scruples about the Oaths? for if there be not, it will be granted that there can be no Reason for a Separation on the Account of them. If there be any Reason, it must arise, either from the continuing Obligation of the former Oaths, or from the Nature of the present Oaths: And therefore I shall enquire into two things:

First, The Nature and Measure of the Obligation of Political Oaths in general.

Secondly, The Difficulties which relate to our Oaths in particular.

First, As to the Nature and Obligation of Political Oaths; by which I mean such as have immediate and particular respect to Humane Society, and the Government we live under; as all *Oaths* of *Allegiance* do.

And herein the Difference lies between those and the common Oaths between Man and Man; because these are founded on an Equality of Right, but the other on the general Security of Humane Society.

In *Political Oaths* we must distinguish the particular *Intention* and *Designs* of the *Persons* to whom they are made, from the general *End* and *Scope* of the *Oaths themselves*. I do not deny but such Oaths at first came from the Mistrust, which those in Power had, of such as were at present in Subjection to them. And because the Fears of a Deity made the strongest Impressions on People's Minds, therefore they were not contented with bare Promises, but they added the Solemnities of Oaths, that they might look on God as concerned, both as a Witness and a Judge.

But if we search narrowly into this Matter, the Obligation comes not from the bare Oath, but from something antecedent to it, or from the Promise contained in it, to which the Oath adds greater Solemnity on the Account of Religion. And therefore it is generally resolved by the *Civilians* as well as *Casuists*, That *an Oath follows the Nature of the thing about which it is conversant; for that*, say they, *is the Principal, and the other is but the Accessary; and the Accessary still follows the Nature of the Principal.*

Less. de Just. & Jure, l. 2. c. 17. n. 52.

Even *Molina*, who is noted for singularity in this matter, (for asserting That an Oath added an Obligation of Justice besides that of Religion) yet

Molina de Just. & Jure, tr. 3. disp. 150.

yet when he comes to explain himſelf, he founds it on the Promiſe included in the Oath, and not in the Oath it ſelf: For after an Oath taken, ſuch as the Obligation was before, ſuch is it after, and the Promiſe contained in an Oath admits of the ſame Conditions, which it would have had, if no Oath had been joyned with it.

If there be a Law, which makes a Contract void, on the Account of the Publick Good, the adding an Oath to ſuch a Contract doth not make it valid: As for Inſtance, if the Law of the Country makes void all clandeſtine Marriages; if a Man marries a Woman after ſuch a manner, although this be an Obligation of the ſtricteſt Nature: Yet ſuch is the Force and Power of Laws made for a Publick Good, that although the Intention of one Perſon was to tie the other in an indiſſoluble Bond; yet the Law ſuperſedes that Obligation, or elſe it is made to no purpoſe, at leaſt, ſo far as it relates to the *Civil Contract*, which is as much as is neceſſary to my purpoſe; for, even that hath an obligation of Conſcience going along with it, which however in this Caſe is ſuperſeded for the Publick Good.

I do not deny, that the chief Intention of thoſe who require *Oaths of Allegiance* to themſelves, is to bind Men as faſt as may be to them; and there is a Perſonal Obligation conſequent upon it. But then, I ſay, that the Rule and Meaſure of it, is not to be taken from ſuch Intention of the Perſons, but from the *General Good*, which was chiefly intended in ſuch things. For, there is a Common Good of Humane Society, which Mankind have an obligation to, antecedent to that obligation they are under to particular Perſons. For, as Magiſtrates were deſigned for a general Good, ſo the obligation to them muſt be underſtood ſo, as to be ſtill in ſubordination to the main end.

And it is agreed on all hands, That an Antecedent and Superiour Obligation doth void that which is ſubſequent and inferiour, when they contradict each other; elſe an Oath might bind a Man to ſin; which no Man will aſſert.

Therefore whatſoever the Intention of the Perſons was, how ſtrict ſoever the Expreſſions may be, if the keeping of the Oath be really and truly inconſiſtent with the welfare of a People, in ſubverting the Fundamental Laws which ſupport it; I do not ſee how ſuch an Oath continues to oblige: For, there is no Relation of Mankind one to another, but there is ſome good antecedent, which is the juſt meaſure of that Obligation they ſtand in to each other. Thus it is between Parents and Children, Husbands and Wives, Maſters and Servants; and therefore it is moſt reaſonable to be ſo between Princes and their Subjects.

A Vow to God is as ſolemn a thing as an Oath; but our Saviour declares, if it hinders that Good which Children are bound to take care of with reſpect to Parents, it ceaſeth to oblige. If Parents, inſtead of regarding the Good of their Children, do openly deſign their Ruin, and contrive ways to bring it about; none will ſay but that they are bound to take care of their own welfare, although ſuch Parents may call it *Obſtinate Diſobedience*. For, even the Government of Parents, as natural as it is, is not abſolute, but is limited by Reaſon and the Good of their Children. And when they are of age, they are allow'd to judge of what concerns their welfare, and (if it be neceſſary) to withdraw from their Parents immediate care, but preſerving a due Reverence and Reſpect to them.

The hardeſt Caſe we can ſuppoſe, is that of *Slavery*, *i e.* of *Dominion by Force*; but although the Law of Nations allows it, yet it is with ſuch limitations, as ſtill ſhew, That whatever the condition of Men be, with reſpect to one another, there is ſtill a regard to be had to the Benefit of thoſe who are in ſubjection to others.

The only thing which makes a ſtate of Slavery reaſonable, is, That when Men are taken Captive by others, they are at their Mercy; and the giving of life is ſo great a benefit, as cannot be compenſated by any thing leſs than a perpetual Service; and in conſideration of it, the Maſter is to afford Protection and Maintenance. Still we ſee all reaſonable ſubjection is in order to ſome Good of thoſe who are under it; and without it, as *Ariſtotle* ſaith, *They are not uſed as Men, but as Tools.* And it is agreed by the beſt Writers on this Subject, That if the Slave be kept in Chains, he is under no obligation of Conſcience to him that keeps him; but he may find his own way to eſcape, becauſe he is treated as an Enemy, and therefore hath all the Right of War on his ſide. But if he yields upon Terms, then he is under Obligation, but it is according to the Terms upon which he yielded himſelf.

De Cive c. 8. n. 7. Mr. *Hobbs* indeed ſaith, *That thoſe who ſubmit upon Compact, are capable of no Injury afterwards; becauſe they have given up their Wills already, and there can be no Injury to a willing mind.* But this is very falſe reaſoning; for himſelf grants, That where there is ſuch a Compact, there goes ſome Liberty or Priviledge along with it. And it is not to be imagined, that ſuch who entred into compact for their Benefit, ſhould renounce all right to it when they have done it; and if they have right they may be wronged. And in the Caſe of the greateſt Slavery, *Natural Equity* was required, and a *Common Right* was ſtill due to Slaves, as Men: So that Nature owns no ſuch thing, as meer *Abſolute Power* in ſome over others, meerly for their own advantage; but all *Reaſonable Power* ſuppoſes Conſent, and a Good to be attained by it. But when it is carried to a contrary end, it is againſt the Intention of Nature, which lays an obligation on ſome Men towards others, with regard to a *Common Good*, which cannot otherwiſe be attained.

Ariſt. Nic. l. 8. c. 13. Sen. de Clem. l. 1. c. 18.

It is not denied by the ſtricteſt Caſuiſts in theſe matters, but that *under a ſtate of uſurpation, notwithſtanding their Oaths to the Rightful Prince, men are bound to do thoſe things which tend to the Publick Safety as well as their own.* But then they found it upon *a preſumptive Conſent of the abſent Prince*; whereas, the true Reaſon is, That Men are in the firſt place bound to promote the Publick Good, and conſequently, and with reſpect to it, to regard the Will of their Princes, who are appointed by God and Nature for that end. And if ſuch be rendred uncapable of doing it, yet the Obligation on others remains. Whereas, if it depended on the Will of the abſent Prince, his *preſumptive Will* would not be ſufficient; for that can lay no obligation.

But, that the *Publick Good* is the true and juſt meaſure of the Obligation in theſe Oaths, doth further appear, in that the *Oaths* are *reciprocal.* Whereas, if only the Good of the Perſons to whom Oaths of Allegiance are made, were to be our Rule, then there would be no mutual Oaths. I am not now enquiring how far in *reciprocal Oaths* one Party's failing diſobliges the other, but I am ſhewing, That it muſt be a General Good that is aimed at when both Parties are ſworn to each other; ſo it was in the ſtricteſt *Feudal Allegiance*, the Lord was as much ſworn to the Tenant to protect and defend him in his Rights, as the other was to attend him in his

his Wars for the ſecurity of his Perſon. And this was certainly founded on a mutual Contract, called by the old Feudiſts *Liga*, and thence *Ligeas* and *Ligeantia*, and ſo our *Allegiance*. The words of *Glanvil* and *Bracton* and the *Cuſtomary* of *Normandy*, are plain, to ſhew the *Reciprocal Obligation* in this Caſe, and the meaſures on both ſides were to be *the Rights, and Cuſtoms, and Laws of the Land*. So that *Allegiance* originally implies a Compact, and is to be meaſured by the *Laws*, which are the Standard of the *Publick Good* of a Country.

Mutua quidem debet eſſe Dominii & Homagii fidelitatis connexio, ita quod quantum debet homo Domino ex homagio, tantum illi debet Dominus ex Dominio præter ſolam Reverentiam. *Glanvil.* l. 9. c. 4. *Bracton*, l. 2. §. 2. *Curſt. Norm.* c. 43.

2*dly*, Having thus in general fixed theſe grounds to proceed upon, I come to the particular examination of the *difficulties* which relate to the preſent *Oaths*; and becauſe we are charged with *Apoſtacy from the Principles of the Church of* England, and that is made the main ground of the deſigned Separation, I would fain know what this Charge is built upon, with reſpect to the Oaths, for that is all we are concerned in. If any particular Perſons have advanced new *Hypotheſes* of *Government*, contrary to the *Senſe* of our *Church*, let them anſwer for themſelves. The Caſe of the Oaths is quite of another Nature.

Here is no *Renouncing the Doctrine of Paſſive Obedience*, or *aſſerting the Lawfulneſs of Reſiſtance*; but the ſingle Point is, "Whether the Law of "our Nation doth not bind us to Allegiance to a King and Queen in actu-"al Poſſeſſion of the Throne, by conſent of the Three Eſtates of the "Realm? and whether ſuch an Oath may not lawfully be taken, not-"withſtanding any former Oath?

And by this very ſtating of the caſe, any one may ſee how impertinent to this purpoſe the Book called the Hiſtory of *Paſſive Obedience* is; the truth is, there are not many paſſages in it which come near the buſineſs; but thoſe that do, contain in them the main difficulties which relate to the Oaths, and therefore I ſhall impartially conſider them. Which are theſe.

I. That they are to the prejudice of a third Perſon.

II. That they are contradictory to a former Oath.

III. That the Perſon to whom they were made, hath given no releaſe or diſcharge from them.

For the firſt we have theſe Teſtimonies; Biſhop *Hall*, p. 46. ſaith, *That a Promiſſory Oath, which is to the certain Prejudice of another man's Right, cannot be attended with Juſtice.*

Biſhop *Sanderſon*, p. 61. *An Oath impoſed by one that hath not a juſt Authority, is to be declined as much as we can; if it be forcibly impoſed, it is to be taken with reluctancy, upon this condition, that the words imply nothing unlawful or prejudicial to the Rights of a third Perſon; for if ſo, we muſt refuſe the Oath at the peril of our lives.*

I grant, it is a Rule among the *Caſuiſts*, That an Oath ought not to be taken *to the Prejudice of a third Perſon*; but ſo it is likewiſe, *That it ought not to be taken againſt the Publick Good*; and theſe two are often put together. *It is a ſin*, ſaith *Zoeſius*, *to make a compact to the publick prejudice and injury of another; and an Oath that is converſant about ſuch a matter, is unjuſt, and not to be kept.* So that the *Right of a Third Perſon* is not to be taken as diſtinct from the *Publick Good*; for, if it be inconſiſtent with it, there is no ground to ſet up a *perſonal Intereſt* againſt a *General Good*. And ſo far *a* MISCHIEF *is better than an Inconvenience*; for it is a ſtanding Rule in Reaſon as well as Law, *The publick Right can-*

Zoeſ. in Dig. l. 12. Tit. 2. n. 66.

not

Jus publicum privatorum pactis mutari non potest.

not be changed by the Contracts of particular Persons, ff. *l.* 2. *tit.* 14. If a Man takes an Oath to a *third Person*, to do something which the Law forbids; although *he suffers by it*, yet it is concluded, That such an Oath doth not bind, because the *Publick Good* is to be preferred. *As often as a Compact doth depart from the Common Right, it ought not to be kept; nor is an Oath requiring it to be observed.* ff. *l.* 2. *tit.* 14. *Juris Gentium* § 16. And again, *An Oath against the Force of Law and Authority of Right is of no moment.* What is the Reason that an Oath doth not bind against the Law? Is not the Authority of God above that of Men? No doubt of it; but since God hath established Government and Laws for a *Publick Good*, their meaning is, That Men cannot by any Act of their own be bound to overthrow it, in what solemn manner soever it be done.

It is resolved in the Text of the Canon Law, in the *King of* Hungary's *Case*, *That an Oath taken against the good of the Kingdom, doth not oblige*, *de jurejur. c.* 33. *intellecto*; although it were to the Prejudice of others, because it was *in Præjudicium Regni sui, to the Prejudice of his Kingdom*; which was more to be regarded; and because it was contrary to the Oath which he took at his Coronation, *Jura Regni sui illibata servare, That the Rights of the Kingdom were to be preserved inviolable.*

Sylvester in sum. 6. *juram.* 4. *n.* 16. saith roundly, *That an Oath doth not bind against the Publick Good in the first Place; but if it be for a Private Benefit principally and consequentially for the Publick, then the Oath holds*; because still the publick Good is to overrule in all such Oaths.

If a Man swears to keep a Secret, and that be to the *Prejudice of a third Person*, the *Casuists* say, That Oath doth not oblige; how much less, where the Publick Interest and Safety is concerned?

And it is generally agreed by our Divines, That an Oath of Secrecy, where the *Publick Safety* is in Danger, doth not bind; as in *Garnet's Case*, who pleaded his Oath for not discovering the *Gun-Powder-Treason*. Now if an Oath doth oblige against the common Good, *Garnet* made a good Plea; for his Discovery was to the *Prejudice* of others: but if his Plea was naught, then the *Publick Good* doth make the Obligation of an Oath to cease.

Suppose a Man makes a Contract with another, who thereby acquires a Right: yet if that Contract be against the common Good, and be confirmed with an Oath; that Oath doth not oblige, saith *Bonacina, de contract. disp.* 3. *q.* 1. *p.* 1.

There are two sorts of Laws, saith *Suarez, which respect the Publick Good*; some which concern *ipsum statum Reipub. & utilitatem communitatis*; the general State of the Commonwealth, and Benefit of the Community: Others which concern *Bonum commune mediante privato*; that common Good which results from every Man's Good: *Against the former*, he saith, *an Oath cannot oblige*; but in the latter, it may, as far as concerns his own Benefit. *Suarez de juram. l.* 2. *c.* 26. *No Obligation, though sworn to, is of any Force against those things which are owing to God and the Kingdom*, saith *Zeiglerus* in his Notes on *Grotius de jure B. & P. l.* 2. *c.* 13. *S.* 7.

From all this it appears, That if the *Right of a third Person* be inconsistent with the *publick Good*, such an Oath doth not oblige. And it is to be observed, That those Persons, whose Testimonies are alledged, never put the Case of the Right in a third Person and a Publick Good standing in Competition; and therefore they do not reach our present Case.

II. It

II. It is alledged, That this Oath is contradictory to a former Oath.

Bishop Hall again, History of *Passive Obedience*, p. 46. *No Oath is or can be of Force that is made against a lawful Oath formerly taken; so that he that hath sworn Allegiance to his Sovereign, and thereby bound himself to maintain the Right, Power and Authority of his said Sovereign, cannot by his second Oath be tied to do ought that may tend to the infringement thereof; and if he hath so tied himself, the Obligation is,* ipso facto, *void and frustrate.*

No doubt, if the first Oath continues in Force, the second is void, so far as it contradicts it. But we say, The former Oath is not in Force, as it is repugnant to the Publick Good, and so the second may be taken without any Contradiction: And if the Doctrine there laid down holds in our Case, I cannot see how it is consistent with the former Oath, for any such Persons to continue under the Protection of the present Government, or to enjoy the Benefit of the Laws; or to take out a *Writ* in their Names, any more than to pray for them; the one being owning their Authority as much as the other.

III. Because the Person who had the Right hath given no Release.

For this Dr. *Hammond* is quoted, in his *Practical Catechism*, *History of Passive Obed.* p. 54. *S. but was not* Tiberius *an Usurper, and yet Christ saith,* Render to Cæsar the things that are Cæsar's. C. Julius Cæsar *wrested the Power out of the Hand of the Senate; but before the Time of* Tiberius *the Business was accorded between the Senate and the Emperors, That the Emperors now reigned unquestion'd, without any Competition from the Senate; which Case,* he saith, *is distant from other forcible Usurpations, where the Legal Sovereign doth still claim his Right to his Kingdoms, and to the Allegiance of his Subjects, no way acquitting them from their Oaths, or laying down his Pretensions.*

To clear this Matter, I shall enquire into two things.

1. How far a Discharge is necessary from the Person concerned.

2. How far our *Saviour's* Rule holds in our Case?

As to the former, I say, The Resolution of Conscience in this Case doth not depend upon the Will and Pleasure of the Person to whom the former Oath was made, but upon the Grounds on which it was made, and from which it had its force to oblige: And if those cease, the Obligation of the Oath ceases together with them. And whether they do or not, no particular Person is so fit to judge as the Three Estates of the Realm; as I shall now prove from several remarkable Instances to this purpose in *our Histories* and *Parliament Records*; whereby I shall make it appear, That when a Dispute hath happened about the *Right* of *Succession*, and to whom the *Oaths of Allegiance* were to be made, they have looked on it as their proper Right, to limit the Succession, and to determine the Oaths.

Under the *British Government*, we find a considerable Instance to our Purpose; *Vortigern* the British King had entered into a *Secret League*, To bring over the *Saxons*; upon which *the Great Men of the Nation deserted him, and chose* Vortimer *in his room.* Here it is plain, They thought the introducing a Foreign Power, a sufficient Discharge of their Obligation to him, it being so directly contrary to the *publick Good* of the Nation, although *Vortigern* gave them no Discharge.

A.G. 454. Magnates Brit. Regem Vortigernum penitus deserentes, unanimiter filium suum in Regem sublimaverunt. *Mat. West.* p. 83.

In the *Saxon* Times, *Sigebert* King of the *West Saxons*, was complained of for *Misgovernment, and for changing their Laws* for his own Ends; but when he persisted in his Way, there was a Convention of the Nobility and

Cum autem modis omnibus male tractaret eos, and People, (*convenêrunt Proceres Regni cum Populo universo*, saith *Matt. Westminster*) and they declared themselves free from Allegiance to him, and chose *Kineulfus* in his room.

legesque antecessorum suorum propter commodum suum, vel depravarer, vel mutaret. *Mat. West. A. D.* 756. *H. Huntingd. l.* 4. *p.* 196.

A.G. 758. Gens de Regno Merciorum, contra Regem suum Beornredum insurgens, pro eo quod Populum non æquis legibus, sed tyrannidem gubernaret, convenerant in unum omnes, tam nobiles quam ignobiles, & Offa Duce ipsum à Regno expulerunt. *Matth. West.*

In the Kingdom of *Mercia Beornredus* for not governing by the Laws, was by a *Convention* of the Nobility and People set aside from the Government, and *Offa* chosen King; who was of the Royal Stem, but not the next Heir; and so *William* of *Malmsbury* observes, in the *West Saxon Kingdom* after *Ina*, *That no lineal Succession was then observed; but still some of the Royal Line sat in the Throne.* And of *Ina* himself, *That he was rather put into the Throne for his Virtue, than by Right of Succession.*

Nam & ipse Brithricus & cæteri infra Inam Reges licet Natalium splendore gloriantes, (quippe qui de Cerdicio originem traherent) non parum tamen à lineâ regiæ stirpis exorbitaverant. *Will. Malmsb. de Gestis Reg. Angl. l.* 1. *c.* 2.

Regnum per Inam novatum qui Cinegisli ex Fratre Cuthbaldo pronepos magis pro insitivæ virtutis industria, quam successivæ sobolis prosapia in Principatum ascitur. *id. ib.*

Matth. West. A. D. 854. 867. *Æthelulphus*, King of the *West Saxons*, went to *Rome*, and there crowned *Alfred*, his youngest Son, King, and married the King of *France*'s Daughter in his Return, and made her Queen against their Laws; for which Reasons he was excluded his Kingdom: His eldest *Son* and *Alstan*, Bishop of *Shireburn* being at the Top of this Act of Exclusion; and he came back only upon the Terms of receiving his Son into a Share of the Kingdom: Which shews, That they looked on the Laws as the Measure of their Allegiance; and where those were openly broken, that it was in their Power to transfer it.

If our Allegiance cannot be transferred by the States of the Realm, it must be because (as some think) by the fundamental Constitution of this Kingdom we are bound in *Allegiance* to the *next right Heir in a Lineal Succession*; but I find no such thing in the *Saxon Times*: for although generally they kept to the *Royal Line*, yet not so, but that when it appeared to be much more for the *Publick Good*, they did not stick upon the Point of *Proximity*. I shall not meddle with the Kingdom of the *Northumbers*, which alone was *originally Elective*, as appears by *Matt. Westminster*; and wherein there happened so great Disorders and Confusions, that at last *William* of *Malmsbury* saith, *None could be perswaded to accept of the Kingdom*; and so it continued thirty three Years, till at last *Egbert* took it into his Hands; and so it became a part of the *English Monarchy*; which was established in him.

Mat. West. p. 101. Bromton p. 862. W. Malmsbur. l. 1. c. 3. p. 14.

But if by the fundamental Constitution, *Allegiance* were indispensably due to the next *Rightful Heir* in this Monarchy, how came *Athelstan* to be crowned *magno consensu Optimatum*, saith *Malmsbury*, when he was not the rightful Heir? Some say (from an old Monk in *Malmsbury*) *That his Father left him the Crown by his Testament*; (which doth not clear the Difficulty as to the inviolable Right of *Succession* by the *Constitution.*) But this cannot be true, for his elder Brother *Elwardus* died after his Father; and none pretend that his Father disinherited him: And if *Athelstan* were lawful Heir, what made him to dispatch his Brother *Edwin* out of the way, and to build two Monasteries for Expiation of that Guilt? How came *Alfred* to oppose his *Election*, as being *illegitimate*, as *Malmsbury* confesses? but *Matt. Westminster* gives the Reason, the Times were then difficult, and *Edward*'s other Sons were too young to manage the Government, and therefore they set up *Athelstan*, as one fit for Business.

Mat. West. A. D. 934. A. D. 939.

How

How came *Edred* to ſucceed *Edmond*, and not his Son *Edwin* and *Edgar*? *Matt. Weſtminſter* and *Bromton* give the ſame Reaſon; They were uncapable by reaſon of their Age, *Repugnante illegitimâ ætate, Patri ſuccedere non valebant.* *Florence* of *Worceſter* ſaith, The *Northumbers* ſware Allegiance to *Edred*; and he ſaith, *He was next Heir*, and yet there were two Sons of *Edmond* before him; for he confeſſes, That they were the Sons of *Edmond* and *Algiva* his Queen. Mat. Weſt. A. 946. Bromton. p. 862. Flor. Wigorn. A. 949.

After the Death of *Edred*, the eldeſt Son of *Edmond* ſucceeded; but being found under a *Moral Incapacity*, (for in *Florentius* his Words, and *Matt. Weſtminſter*, *In commiſſo Regimine inſipienter egit*) he was ſet aſide, as to all the Government beyond *Thames*, and *Edgar* put into it: And not long after into the whole Kingdom, by general Conſent. A. 957.

How came a Diſpute to happen about the Election, after the Death of *Edgar*, between his eldeſt Son *Edward*, and *Ethelred* his youngeſt? I lay no Force on his Mother's Endeavours to advance him; but if there had been ſuch an unalterable Right of Succeſſion, there had not been any Colour or Pretence for it; eſpecially ſince it is ſaid, That his Father declared his Mind, That the elder ſhould ſucceed. But ſaith *Florentius Wigorn.* there was a great Contention among the great Men about the Choice of the King: How could there be any Diſpute, if they knew the Conſtitution of the Kingdom to be, That the next Heir muſt inherit the Crown; and that thoſe are perjured who transfer their Allegiance? A. 975.

After the Death of *Ethelred*, the Nobility and People were divided, ſome chuſing *Canutus* the *Dane*, and ſwearing *Allegiance* to him; others to *Edmund* the Son of *Ethelred.* Florent. Wigorn. A.D. 1016.

The former pleaded for themſelves, that *Ethelred had broken his Faith with them, and therefore they deſerted him, ſo as he was fain to fly into Normandy*; and that *Edmund* was not his *legitimate Son.* W. Malm. l. 2. p. 35. 2.

Matt. Weſtminſter ſaith, *That the greateſt part of the Nation, Clergy as well as Laity, did ſwear Allegiance to* Canutus; *without any Diſcharge from* Ethelred, while living, or his Son after him. Mat. Weſt. A.D. 1013. 1015, 1016.

After the death of *Canutus*, a new difference aroſe about the Succeſſion; ſome were for *Harold* his ſuppoſed *Son* by *Algiva*, others for *Hardecnute*, his Son by *Emma.* If the lineal Succeſſion were a part of our *Conſtitution*, How come ſuch perpetual Diſputes to be concerning it? For if it had been owned as a Fundamental Law, the Right of Succeſſion muſt have been clear beyond Diſpute. But *Reaſon of State* and the *Publick Intereſt* ſtill over-ruled this matter, and ſo *Ethelred*'s Sons by *Emma*, who were the true Heirs by *Legal Succeſſion*, were ſet aſide, and *Harold*, being upon the Place, and ſo beſt able to manage the Affairs of the Kingdom, carried it. A. 1055.

Hardecnute being dead, how came the baniſht Sons of *Edmund Ironſide*, if he were lawful Heir, not to be ſent for to ſucceed? If *Edmund* had no good Title, how was the Right of Succeſſion then preſerved? How could Allegiance on theſe Principles be ſworn to him? If he had a good Title, How could the Oaths be taken to *Edward* the *Confeſſor*, when the Heirs of *Edmund Ironſide* were living? I perceive ſome, to ſalve the Succeſſion, make the Mother of *Edmund* to have been *Ethelred*'s firſt Wife, and call her *Elgiva Duke Thored*'s *Daughter*; but *William Malmsbury* ſaith, *She was ſo obſcure a perſon, that ſhe was not known*; *and that* Edmond Ironſide *made up what was wanting in the management of his Father, and the Quality of his Mother.* And the ſame is ſaid by *Matt. Weſtminſter.* *Florentius Wigorn.* ſhews the reaſon of the miſtake; for he ſaith, That *Emma*, *Ethelred*'s Wil. Malm. l. 2. p. 40. Mat. Weſt. A. 1015. Florent. A 1012.

thelred's Queen, was in the *Saxon* Language called *Algiva*; and so, out of two Names, they have made two Queens. *Bromton* leaves the matter in Dispute, and saith some affirm, *The Mother of* Edmond *was betrothed to King* Ethelred, *and was the Daughter of Count* Egbert: Others, That she was a Stranger and a Concubine. Now, if a Man's Conscience be strictly tied in such Oaths of *Allegiance*, to the *Right Heir in a lineal Succession*, what satisfaction can he have as to the taking them, since he is then bound to satisfie himself in the strict Justice of a Title? For, if *Edmond's* Mother was not married, he had no Title, and no Oath of Allegiance could be taken to him; and whether he was married or not, for all that we can perceive, there was a great doubt at that time, and so continued. And, it is not easie to determine what is to be taken for Marriage in a Prince, unless the Law be the Rule. And, if the Law determines the nature of Contracts in Princes, why not as well the Obligation of Subjects? For, if there be no Rule, it is not possible to satisfie Conscience in the Niceties of Titles; if there be a Rule, the general Consent of the People, joined with the Common Good, seems to have been that which our Ancestors proceeded by.

Append. 7. ad vit. Alf. Bromton inter 10. Script. p. 877.

I do not hereby go about to set up the *Power of the People over Kings*, which is in effect to overthrow *Monarchy*; for then the whole *Soveraignty* lies in the People, and *Kings* are but their *Servants*: And so there is but one sort of Reasonable Government, *viz.* that of a *Commonwealth*. Whereas, from the eldest times, the *Rights* of *Soveraignty* have been placed in *single Persons*, before any *Popular Governments* were known; and Monarchy hath been ever esteemed a distinct and a reasonable Government, especially where it is limited by Laws, and those Laws made by the Consent of the People, *i. e. by the Three Estates of the Realm*; which are together the true Representatives of the People.

I see no necessity of going about to undermine the *Monarchy*, that I may come at a resolution of the present case; for, I take ours to be a true *Original Monarchy*, especially after the Rights of the lesser Monarchs were swallowed up or delivered into that of the *West-Saxon* Kings. And farther, I do not stick to affirm, That it was *Hereditary*, where the *Right of Succession* and the *Publick Good* did not interfere; *i. e.* where there was not a *Natural* or *Moral Incapacity*: a *Natural*, as in the Sons of the elder *Edmond*, when *Edred* was made King before them; a *Moral*, as when *Edgar's* elder Brother was set aside for his *ill Government*, by one half of the Nation, and the other never disputed the matter with them; and when *Ethelred* was so far deserted, that he went into *Normandy*, and was recalled upon Promise of better Government. *Si ipse vel rectius gubernare, vel mitius eos tractare vellet*, are the words in *Florentius*; and to the same purpose *Matt. Westminster*, and *Bromton*, and *Malmsbury*: *H. Huntingdon* adds, That he promised *omnia Rege & Populo digna*; all things worthy of the KING and People. These things I mention to shew, That although this were *a true and successive Monarchy* in ordinary course; yet where the *Publick Good* was by the *Estates* of the Realm judged to require it, they thought it no *Perjury* or *Breach of Faith*, to transferr their Allegiance, although it were without the Consent of the actual Governour, or the next lineal Heirs.

Florentin. Wigor. A.D. 1014. H. Huntin. l. 6. p. 207. 2.

Having thus far cleared this Point, as to the *Saxon Constitution* of our Government, I come to that of the *Norman*; and here I shall not go about to shew how broken the Succession was by *Force* and *Faction*, but what the Judgment of the Nation was, as to the transferring Allegiance.

And,

And the first Instance I shall bring, is in the Case of the Oath taken to *Maud* the Daughter of *Henry* the First, in the One and Thirtieth year of his Reign; and there is no question, but he designed her to succeed him; *Legitimâ & perenni successione*, as *Malmsbury*'s words are; but *Stephen*, (who had before sworn Allegiance to her) watched his opportunity, and by the help of a Party made by his Brother, (the *Bishop* of *Winchester*) he was Crowned KING; and although at first, *Malmsbury* saith, *but three Bishops, and very few Noblemen*, joined with him, yet he soon after saith, *That most if them went in to him:* And even *Robert* of *Gloucester*, King *Henry* the First's natural Son, took an Oath to him, but with the condition of his preserving his Honour and Covenants. There are several things worthy our observation in this Affair, with respect to Oaths of *Allegiance*. Malmsb. Hist. Novel. l. 1. p. 100, 105. 2.

(1.) That those who excuse them from *Perjury*, who had Sworn *Allegiance* to *Maud* before, do it upon this account, Because it is said by *Rad. de Diceto*, *That* Hugh Bigod *sware*, *that King* Henry *the First*, *on his Deathbed*, *disinherited his Daughter*, *and made* Stephen *his Heir*. Supposing the Story true, what is this to the Discharge of the Oath as to *Maud*? (for the Oath was not made to *Henry* the First, but to his Daughter, and her Right was chiefly concerned in it.) If this hold, an *Oath* of *Allegiance* may cease, without discharge from the Party to whom it is made. And so the *Archbishop* of *Canterbury*, and the Bishops of *Winchester* and *Salisbury*, as well as the Nobility, thought themselves at liberty to take a New Oath of Allegiance, without a Release from the Party concerned in the former Oath.

(2.) That upon the Agreement between *K. Stephen* and *H.* 2. *Maud* her self was set aside, and *Stephen* was to continue King for his Life, and *H.* 2. to succeed him. Now if Oaths of Allegiance must not be interpreted by the *Publick Good*, here are insuperable Difficulties as to the Obligation of these Oaths. For the Allegiance was transferr'd from the right Heir to an Usurper, as *Stephen* must be owned to have been by those who deny that Allegiance can be transferr'd from the right Heir. And they must continue Allegiance to the Usurper for his Life; which is repugnant to the Nature of our Constitution, if it be founded in a *Lineal and Legal Succession*. And again, *Maud*, to whom they had sworn, is set aside, and the Reversion of the Crown is entailed on her Son, although she was living. *Fortescue*, in a Manuscript-Discourse about the *Title of the House of Lancaster*, saith, this was done in Parliament, *Communi Consensu Procerum, & Communitatis Regni Angliæ. Rad. de Diceto*, who lived nearer the time, saith no such thing; but *Fortescue* appeals not only to the *Chronicles*, *but to the Proceedings of Parliament*, for it. And *Matt. Westminster* and *Paris* say, The Right of *H.* 2. was declared by K. *Stephen in Conventu Episcoporum, & aliorum de Regno Optimatum*; which was the Description of a Parliament of that time; for, as yet, the *Baronage* represented the Nation. *Gervase* saith, *The Great Men were summoned to perfect the Agreement*, *by giving their Assent to it*, *and confirming it by their Oaths*. *Fortescue* saith further, that *H.* 2. *was crowned King in the Life of his Mother*, (*who lived to the* 13 *of H.* 2.) *by the general Consent of the Kingdom*. Which shews how far the *Publick Good* was thought to be the Measure of the Obligation of these Oaths. For *Guil. Neuburgensis* saith, That the *Bonum Publicum* was the Foundation of this Agreement. And *Matt. Westminster*, *That the King and the Lords did all swear to it*, *and a solemn Charter was made of it*, *and kept in a most secure Place:* Rad. de Diceto, A.D. 1153. Matt. Westm. A. 1153. Mat. Paris. ib. Gervas. A. D. 1153. Guil. Neobarg. l. 1. c. 30. Matt. Westm. A. 1153.

And thus the Oaths of Allegiance were continued to one that had no Right for his Life; and made to one who pretended to no Right, but after his Mother, who was set aside in this Agreement. So that here were three Oaths of Allegiance at once, that to *Maud* the Empress, thar to K. *Stephen*, and to *H.* 2. and yet the *General Good* of the Nation must give an equitable sense of these Oaths, or there must be *Perjury* on all sides. For those who had first sworn to *Maud*, could not transfer their Allegiance on any other account, either to *Stephen*, or *H.* 2. during her Life. For we never read that she was present at the Agreement, or resigned her Right to the Crown.

The next Instance I shall produce, is in the Oaths that were taken during the Controversies between the Houses of *York* and *Lancaster*. Which was not so plain a Case as Men commonly imagin; and in Truth, if the just legal Title be the only Rule of Conscience in this Case, it was hard to take the Oaths on either side. For, as on the one side, a lineal Descent was pleaded from the Daughter of the Duke of *Clarence*, who was elder Brother to *John Duke of Lancaster*, from whom by Marriage the Duke of *York* claimed his Title; so, on the other side, it was objected, that there was no sufficient Evidence of the Legitimacy of *Philippa* Daughter to the Duke of *Clarence*; because, as *Fortescue* observes, the Duke of *Clarence* was abroad from before the time of her Conception till after her Birth, and that he never owned her Mother after; that she never assumed the Arms of the Duke as her Father, nor those descended from her, till the Duke of *York* pretended to the Crown; that *E.* 3. made an Entail of the Crown upon his Heirs Male; (of which I have seen a written Account as old as the time of *H.* 6. which not only affirms the Absence and Divorce of the Duke of *Clarence*; but that *E.* 3. seized all his Lands into his Hands, and in Parliament soon after entailed the Crown on his Heirs Male, and that his Daughters there present agreed to the same.) But besides they pleaded, that so long a Prescription as the House of *Lancaster* had of above threescore years, was allowed by the *Jus Gentium*, to purge the Defects of the first Title: These are things which deserved Consideration against such a meer lineal Descent as the House of *York* insisted upon. And against the House of *Lancaster*, the Intrusion of *H.* 4. upon the Deposition of *R.* 2. is an invincible Objection to such as found Allegiance on the Right of Succession.

But that which I lay the greatest weight upon, is the way of ending this Difference in *Parliament*, which hath several remarkable things in it:

(1.) That the Duke of *York*, notwithstanding his Title, takes an *Oath of Allegiance* in Parliament to *H.* 6. during his Life; reserving to himself the *Right of Succession* after him. For he swears *to do nothing to the Prejudice of his Reign or Dignity-Royal, nor against his Life or Liberty; and that he would to the utmost of his Power, withstand all Attempts to the contrary.* The same *Oath* was taken by his Sons *Edward* Earl of *March* (afterward *E.* 4.) and *Edward* Earl of *Rutland*. Was this a lawful Oath or not? To say it was unlawful, is to reflect on the Wisdom of the *Three Estates*, who looked on this as the best Expedient for the Publick Good, as being the way to prevent the Effusion of Christian Blood. And it is not easie to prove such an Oath unlawful; as containing nothing unlawful, nor to the Prejudice of a third Person, when he who was chiefly concerned voluntarily took it. If it were a lawful Oath, then an Oath of Allegiance on the account of *Possession*, is a lawful Oath. For the matter of Right is not mentioned in it, and *Richard* Duke of *York* did not renounce the opi-

Rot. Parl. 39. *H.* 6. n. 21.

nion

nion of his own Right hereby, (whether true or falſe) but did bind up himſelf to do nothing to the Prejudice of the Royal Dignity of *H.6.* and yet he look'd on him as meer Poſſeſſor of it; therefore in his Judgment and the Parliament's, an Oath of Allegiance may lawfully be taken, on the account of the *Poſſeſſion* of the *Crown*, although Perſons be not ſatisfied of the Right of it.

The Words of his Agreement are remarkable to this Purpoſe, as they are to be found in the *Parliament-Rolls*. *The ſaid Title notwithſtanding, and without Prejudice of the ſame, the ſaid* Richard *Duke of* York *tenderly deſiring the Weal, Reſt and Proſperity of this Land, and to ſet apart all that might be trouble to the ſame; and conſidering the Poſſeſſion of the ſaid King* Henry *the Sixth, and that he hath for his time be named, taken, and reputed King of* England *and* France, *and Lord of* Ireland, *is content, agreeth and conſenteth, that he be had, reputed and taken King of* England *and of* France, *with the Royal Eſtate, Dignity and Preeminence belonging thereto, and Lord of* Ireland, *during his Life natural; and for that time the ſaid Duke, without hurt or prejudice of his ſaid Right and Title, ſhall take, worſhip and honour him for his Sovereign Lord.* Here was certainly an Oath taken to a King, whom the Perſon taking it looked on only as a King *de facto*, and not *de jure*; and yet this Oath was taken and allowed, nay contrived in Parliament; and that for no leſs an end, than for the *Weal, Reſt, and Proſperity of the Land*, i. e. for the Publick Good. N. 20.

It may be ſaid, *That the Caſe is different; for* Richard *Duke of* York *parted with his own Right; but we cannot with anothers, which we have ſworn to preſerve.*

I anſwer, That he did not look on ſuch an Oath as parting with his Right, but as a thing fitting to be done on the account of *Poſſeſſion* for the Publick Good. And ſo may others take ſuch another Oath of Allegiance, wherein there is no Declaration as to Right, but the ſame things required, which the Duke of *York* promiſed in his Oath to *Hen 6.*

But Allegiance is not due but where there is a Right to claim it; and that cannot be, where there is no Right to the Crown.

I anſwer, That an Oath of Allegiance may be twofold: 1. *Declarative of Right*; and in that caſe none can be owned to have Right, but he that hath it.

2. *Submiſſive Allegiance*; where no more is required than is contained in the Duke of *York*'s Oath, and yet he declared *this was no prejudice to his Right. But it may be ſaid, He declared ſo much before he took the Oath, and ſo gave the Senſe in which he took it.*

I anſwer, That

His putting in his Claim, and his Title being allow'd after the King in being, had been ſufficient; but in our caſe there is no need of a *Declaration*, ſince the declaratory part is left out; which is a fuller Declaration of the ſenſe of the Oath, than our Words can make.

But to proceed;

(2.) The firſt Objection the *Parliament* made to the Duke of *York*'s Claim was, from *the Oaths they had taken to* H. 6. To which the Duke of *York* gave a large Anſwer, that *Oaths muſt not bind againſt Truth and Juſtice.* But this was to take it for granted, that he had the Truth and Juſtice of his ſide, whereas there was a long Poſſeſſion of threeſcore Years againſt him; ſurely matters of Fact which were neceſſary to the diſproving his Title, were then ſo far out of Memory, that it was impoſſible to make clear Evidence about them; and others were not examin'd, as whether the Duke

Duke of *Clarence* were absent so long from his Wife abroad, when *Philippa* was born? Whether one Sir *James Awdely* suffer'd about it? Whether he was divorced from her upon it? Whether *E.* 3. after the Death of the Duke of *Clarence*, did entail the Crown on his Heirs Male? Whether upon the Deposition of *R.* 2. the Claim of Right on behalf of the Duke of *Clarence*'s Heir ought not to have been made? How far *Edmond Mortimer*'s owning the Title of *H.* 5. and the Duke of *Cambridge*'s Attainder did affect him? Whether he had not renounced his own Pretentions, by owning *H.* 6. to be *his Supream* and *Sovereign Lord*, as he had often done in a most solemn manner, particularly in his Oaths at the Altar at St. *Paul*'s, which is to be seen in the *Book of Oaths*, p. 146. and elsewhere. But at that time, *H.* 6. was under the Power of the Duke of *York*; and that was a very unfit time to clear a sinking Title.

But however the Lords in Parliament were concerned for their *Oaths* to *H.* 6. and proposed the former *Expedient*, not only for the publick Welfare, but in regard to their *Oaths*, notwithstanding that they allow'd the *Duke's* Title to be good. Their Words are, *It was concluded and agreed by all the said Lords, that since it was so, that the Title of the said Duke of* York *cannot be defeated, and in eschewing the great Inconvenience that might ensue, to take the Mein above rehearsed, the Oaths that the said Lords had made unto the King's Highness at* Coventry *and other places saved.*

From whence it is plain, that they look'd on their *Oaths to Hen.* 6. as consistent with owning the Right to be in the Duke of *York*; and that *Possession* was a sufficient Ground for continuing their Oaths.

(3.) In 1 *E.* 4. where the Right and Title of the D. of *York* is most amply set forth, there this Agreement, 39 *H.* 6. is recited, and the Proceedings against *H.* 6. are grounded upon his Breach of it. Which shews farther that those *Parliaments* which did assert the *Right of Succession* highest, (among which, this of *E.* 4 ought to be reckon'd) yet it was never disputed, whether those who had taken the Oaths to *H.* 6. were *perjured*; for they look on the *Possession* of the *Crown* as a sufficient Ground for the *Allegiance* required.

But it may be said, *That from hence we see that he was look'd on as having the best Title, who had the best Right by lineal Succession.* I answer, that we are not enquiring into *Titles*, but searching into the Reasons and Measures of *Oaths* of *Allegiance*; and whether those do require full Satisfaction about the best Title? Or supposing one unsatisfied about that, he may not yet be satisfied in taking such an Oath as the D. of *York* and his Sons did?

But such Precedents prove nothing, unless they be agreeable to our Laws and Constitutions. Yes, a great deal, while we are enquiring into our *Legal Constitution*; and we find such things allowed in *Parliaments*; and not only so, but in such *Parliaments* which allow'd not the Title of the King to whom those Oaths were made.

But it may be said, *Our Law owns no King meerly as in Possession, but the Right Heir is the legal King, whether in Possession or not.* Our Law does own a King in Possession, if *Treason may be committed against Him*; and for this we have not only the *Authority of Sir* E. C. but of the *Year-Books*, 9 *E.* 4. where it is deliver'd for Law at that time; and with a particular Respect to *H.* 6. *Et home sera arraigne de Treason fait a dit Roy H.* and therefore Sir *E. C.* had good Authority for what he said; and that not in the Reign of a King *de facto*, but when a King thrust out another for want of Right, and derived his whole Right from a *lineal Succession. Ba-*

got's

got's Caſe goes farther than *Grants and Judicial Proceedings of a King de facto*; for therein it is declared Treaſon to compaſs the Death of a King *de facto*; and it is very abſurd to imagine Treaſon againſt one whom the Law doth not own: for Treaſon is a high Violation of the Law, and how can the Law be violated againſt one whom the Law doth not own? Beſides, in *Bagot's Caſe* there is a diſtinction made between *a meer Uſurper, and one on whom the Crown is ſettled by Parliament*; and ſo *H.* 6. is denied to be a meer Uſurper. *Et ſix le dit Roy H. de fait Merement, come Uſurper, Car le Corone fuit taille a luy per Parliament.* So that by our Conſtitution a great Deference is to be ſhew'd to the Judgment of *the Three Eſtates* in matters that concern the *Right of the Crown*; Or elſe, an Entail made by them could make no difference; but the whole Reſolution muſt be into the *lineal Deſcent*. And thus I look on the Statute, 11 *H.* 7. as *agreeable to our Conſtitution*; for if it be *Treaſon* to compaſs the Death of a King *de facto*, there is great Reaſon there ſhould be Indemnity for thoſe who act for Him.

But what doth this ſignifie to the Conſciences of Men? Very much, if they are to be ſatisfied by our Conſtitution. I grant meer *Indemnity* doth not clear a Man's Mind; but its agreeableneſs to former Proceedings and Judgments ſhews how far our Conſtitution allows us to go, and that there is no Argument from thence which can hinder the Satisfaction of Conſcience ſo far.

But ſuppoſe a King de jure *be in Poſſeſſion of this Act, and another comes and diſpoſſeſſes Him, and ſo is King* de facto, *Doth this Law indemnifie thoſe who fight againſt the King* de jure *for the King* de facto?

Whoſoever is in actual and quiet Poſſeſſion of the Crown, by *Conſent of Parliament*, hath the Right to challenge the Benefits of this Act for thoſe who ſerve Him. But I do not ſay, that this Act gives any Man Right to oppoſe a *Rightful King*; but it only provides for the Indemnity of thoſe who aſſiſt the preſent Poſſeſſor, although another had the Right by Deſcent. For after the D. of *York's* challenging the Crown by Right of Succeſſion againſt the Poſſeſſor, there were two Parties in the Nation, the one was for the *Right* of *Succeſſion*, and the other for the *Right* of *Poſſeſſion* by a *National Conſent*. And the Diſputes between theſe two continued as long as the Differences between the Houſes of *York* and *Lancaſter* laſted. When *H.* 7. was ſettled in the Throne, without regard to the *Right* of *Succeſſion*, although there was a general Submiſſion, yet there was ſtill a great Diſſatisfaction in the *York Party*; which occaſioned all the Diſturbances of *H.* 7*th's* Reign, from ſetting up an Heir of the Houſe of *York*. (And Sir *William Stanly* was gained to that Party, which coſt him his Life.) And they went ſo far as to conclude it *Treaſon* to ſtand by the Poſſeſſor againſt the *next lineal Heir*. Which I take to have been the true occaſion of the Statute 11 *H.* 7. which doth certainly Indemnify thoſe who adhere to the Poſſeſſor, although another may claim a better Right; and thereby declares a *Poſſeſſory Right* to be a ſufficient Ground of Allegiance, as far as that Act goes.

There are three ſorts of Perſons may be ſaid to have Poſſeſſion of the Crown, an *Uſurper*, a King *de jure*, and a King *de facto*; and becauſe the diſtinction between theſe doth not ſeem to be well underſtood, I ſhall briefly explain it.

An Uſurper is one who comes in by *Force*, and continues by *Force*.

A King *de jure* is one, who comes in by *lineal Deſcent*, as next Heir, and whoſe Right is owned and Recognized by the Eſtates of the Realm.

A King

A King *de facto* is one, who comes in by Consent of the Nation, but not by Vertue of an *immediate Hereditary Right*; but to such a one being owned and receiv'd by the Estates of the Realm, the Law of *England*, as far as I can see, requires an *Allegiance*. Or else the whole Nation was perjur'd in most of the Reigns from the Conquest to *H.* 8. For the two *Williams*, six at least of the seven *Henries*, King *Stephen*, and King *John* were all Kings *de facto*, for some time at least, for they came not in as next *Heirs* in a *lineal Descent*. But still Oaths of *Allegiance* were taken to them; and no such *Scruples* appear to have been made all that time; nor any charge of *Perjury*, on those who did what our Law and Constitution required. Was the Nation *perjured* in the Time of *H.* 7. who, as all know, had no Pretence of an *Hereditary Right*? Yet being received and Crowned, the Oaths of *Allegiance* were taken to Him, before he was Married to the Daughter of *E.* 4. For, he was Crowned *Octob.* 30. 1485. Had the Crown entailed in Parliament *Nov.* 7. and was Married *Jan* 18. But the first Parliament of *R.* 3. endeavoured to make void the Title of the Children of *E.* 4. upon pretence of a *Precontract* with the *E.* of *Shrewsburies* Daughter; and of *George* Duke of *Clarence* by his Attainder, thereby to make *R.* 3. *Right Heir to the Crown*; but lest these things should fail, *to his Claim of Inheritance, they join their own Election, and desire him to accept the Crown, as to him of Right belonging, as well by Inheritance as by lawful Election.* It seems, they would have made him a King *de jure* as well as *de facto*; but the excluding the Children of *E.* 4. never gave Satisfaction since the Lady *Lucy* her self disowned it to the Mother of *E.* 4. And if such an Allegation would hold, the whole Succession both of *York* and *Lancaster* might be questioned; for both derive from *H.* 3. whose Mother was believed at that time to have been precontracted at least to *Hugh le Brun*, before she was married to K. *John*, and was married to Him, whilst his former Wife was living. And if Q. *Eleanor*'s Divorce from the K. of *France* were not Good (as it is hard to prove it so) what becomes of all the Line of *H.* 2. who married Her, after she had two Children by her former Husband? But if Mens Consciences are tied to a strict legal and *lineal Descent*, they must be satisfied in all these Points.

Mat. West. A. 1200.

But supposing the Right of the Children of *E.* 4. to have been never so Good; what doth this make towards the justifying the Oaths of Allegiance, which were made to *H.* 7. whom some will not allow to have any Claim by the House of *Lancaster*, since they say, the same Act which legitimated *John* of *Gaunt*'s Children by *Kath. Swinford*, did exclude them from any Title to the Crown? Yet the *Oaths* of *Allegiance* were taken by the whole Nation in the time of *H.* 7. and no Dispute was then made about it; because it was then believed, that quiet Possession was a sufficient Ground for Allegiance.

It is objected, *That it cannot be agreeable to the Law of* England *to swear Allegiance to a King* de facto, *when the Duke of* Northumberland *suffered by the Law for adhering to a Queen* de facto.

A King *de facto* according to our Law (as I said) is one in quiet Possession of the Crown, by Consent of Parliament, without Hereditary Right; such as *H.* 4, 5, 6, 7. were all thought to be, by those who made this Distinction. For, as far as I can find, the Distinction of a King *de facto* and *de jure* was then started, when the House of *York* so much insisted on their Hereditary Right; and so many of our Kings had governed the Kingdom by Consent without it. Therefore the Lawyers, to find

find a ſufficient *Salvo* for the Kings of the Houſe of *Lancaſter*, framed this Diſtinction of Kings *de facto* and *de jure*; but ſtill they meant *Kings Regnant*, as they called them, or in full Poſſeſſion of the Royal Dignity by a National Conſent. (The Diſtinction had been better of a two-fold Right, *viz. Poſſeſſory* and *Hereditary*.) But this was far from being the Caſe of *Queen Jane*, who was ſet up by a particular Party againſt the General Senſe of the Nation, as ſoon appear'd; for the main Point her Title ſtood upon was this, Whether the King by his Grant could diſpoſe of the Crown againſt an Act of Parliament which ſettled the Succeſſion? and that this was the true Point, appears evidently by Judge *Mountague*'s Papers, who was imployed againſt his Will, in drawing up the Grant. So that the Duke of *Northumberland*'s Caſe doth by no means reach the Point of a King *de facto*.

But it is further urged from our *Homilies*, *That our Church therein condemns thoſe Engliſh who did ſwear Fidelity to the Dauphine of* France, *breaking their Oath of Fidelity to their Natural Lord the King of* England. To which I anſwer. *Sixth Part of the Homily againſt wilful Rebellion.*

(1.) That King *John* was only a King *de facto* himſelf, if a Legal Succeſſion makes a King *de jure*. For, (1.) His eldeſt Brother's Son *Arthur* was then living, as all confeſs. (2.) He was convicted of Treaſon againſt his Brother *R.* 1. and the Sentence pronounced againſt him by *Hugo de Pudſey* Biſhop of *Durham*, as the King of *France* pleaded to the Pope's Legat who came to ſolicit for him. (3.) *Hubert* Archbiſhop of *Canterbury* declar'd at his Coronation, that he came not in by *Hereditary Right*, but by *Election*; and he accepted of it ſo. (4.) What Right he had after the Death of his Nephew, he gave up by the Reſignation of his Crown to the Pope. He could have no *Hereditary Right* while *Arthur*'s Siſter lived, who ſurvived him, and was kept in the Caſtle at *Briſtol*. But ſuppoſing it, I do not underſtand how he that gave up his Right of Dominion to the Pope, could ſtill retain it? And if he was Feudatary to the ſame, he could not challenge Allegiance as due to him, but to the Pope as Lord Paramount. And it was pleaded againſt him, *That although he could not diſpoſe of his Crown without Conſent of his Barons, yet he might demiſe it. And upon his Reſignation he ceaſed to be King; and ſo the Throne was vacant. And by that means there was a devolution of Right to the* BARONS *to fill up the Vacancy; who made choice of* LEWIS *by the Right of his Wife, who was Heir to King* John. If after all this, an *Oath of Allegiance* to him was lawful, then, I ſay, an Oath to a King *de facto* is ſo, for King *John* was no more. Mat. Paris. A. 1216. f. 280. Matt. Weſtm. A. 1216. Mat. Paris. A. 1199. Mat. Paris. A. 1216. f. 281.

(2.) As to the *Barons* calling in *Lewis*, and forſaking K. *John*, it is neceſſary to obſerve on what Reaſon it is that our *Homilies* condemn it. For the whole deſign of that *Homily* is, to ſhew *the Popes Uſurpations over Princes, and their ſtirring up Subjects to Rebellion againſt them, by diſcharging them from their Oaths; and for thoſe the Inſtance of King* John *is produced*; as appears by the words juſt before. *Now had Engliſh-men at that time known their Duty to their Prince ſet forth in God's Word, would a great many Nobles, and other Engliſh-men natural Subjects, for this foreign and unnatural Uſurper his vain Curſe of the King, and for his feigned diſcharging them of their Oath and Fidelity to their Natural Lord, upon ſo ſlender, or no Ground at all, have rebelled againſt their Sovereign Lord the King? Would Engliſh Subjects have taken part againſt the King of* England, *and againſt Engliſh Men, with the French King, and French Men, being incenſed againſt this Realm by the Biſhop of* Rome?

(3.) This doth not concern the present Case. For Men may condemn those English Men who sent for *Lewis*, and yet may lawfully take the present Oaths. By which Men are not bound to justify such Proceedings, but to promise Faith and Allegiance to such as are in actual Possession of the Throne. Which the Oaths taken to *K. John* will justify.

Thus I have considered the greatest Difficulties I have yet met with about taking the Oaths, and have not dissembled the strength of any of them.

There is only one thing remains, and that is the Answer given to the Case of *Tiberius*, *who was an Usurper, and yet our Saviour said, Give unto* Cesar *the things that are* Cesar's. The Answer is, *That although it were a forcible Usurpation in* Julius Cesar, *yet before that time the Matter was accorded between the Senate and the Emperors, and they reigned unquestioned without any competition from the Senate.*

So that it was not lawful to swear Allegiance to *Julius Cesar*, who had the full Possession of the Power, but it was to *Tiberius*: And why so? Where was the Right of Government in the time of *Julius Cesar*? *In the Senate and People.* And so it continued all *Julius Cesar*'s time. But how came the *Senate and People* to lose their Right in the time of *Tiberius*?

(1.) Had they given it up by any solemn Act of theirs, as many say they did by the *Lex Regia*, which *Justinian* confidently affirms; Then all the Right which the Emperour had, was by *Devolution* from the People; and so they acted by vertue of that Power which the *People* gave them; (*Populus* comprehends both *Senate* and *Community*.) And then the Emperors had their Rights of Sovereignty from the People, and not from God. For here was no other Act but that of the People giving up their Right. And then the Case of Obedience to the Roman Emperors will be found very different from that of the Northern Kingdoms, where the People never gave up their Rights in such a manner: but in Cases of Difficulty concerning Succession, the *three Estates* did look on themselves as particularly concerned; as might be easily proved, if it were needful, in all the Northen Kingdoms.

(2.) But suppose they did not formally give up their Right, but were partly wheedled and partly forced out of it; Doth this give a good Title? Suppose *Augustus* had by his Acts procured the Content of the People, as to his own Government; What was this to *Tiberius*? Did they give him a Power to make whom he pleased his Successor? Something may be said from *Dion* and *Strabo* as to the former; but there is no Pretence as to the latter: For it was a meer Arbitrary Act in *Augustus* to nominate *Tiberius*; and all the Title he had at first was from the Prætorian
Tacit. l. 1. Band and Legions: Afterwards *the Consuls, and Senate, and Souldiers, and People did swear Allegiance to him*, as the Historians tell us. Now here I desire to know, whether *Tiberius* was any more than Emperor *de facto*, when they did thus swear to him? For all the Right he had was from their voluntary Submission to him at *Rome*.

Tacit. ib. As to the Roman Provinces, *Tacitus* saith, *They were content with the present change of Government, because they suffered by the Factions and Avarice of the great Men; which made them weary of the Government by the Senate and People.* But this only shews that they were willing to change their Masters, hoping they might mend their Condition, but signifies little to the matter of Right. Since after they were made *Provinces*, they owned their Subjection to the Roman Government, by *paying Tribute*,

bute, and receiving Magiſtrates from it, however that Government was managed, whether by Senate or People, or by one who had the Imperial Power, whatever Name he were called by. But as to the Province of *Judea* in particular, there are ſeveral Conditions of it to be conſidered.

(1.) While it was tributary to the Kings of *Perſia* and *Syria*. Jaddus *the High Prieſt told* Alexander *that they had taken an Oath of Fidelity to* Darius, *and therefore could not bear Arms againſt him while he lived.* But was *Darius* King *de jure* or *de facto* over the *Jews?* He was not King over them by a lineal Succeſſion from their own Princes; nor by the Fundamental Conſtitution of their Government, which owned no *legal King* that was not of their Brethren: I do not ſay they were not to ſubmit to, but not to chuſe any other. But what Right had *Darius* over the *Jews*, any more than ſucceeding in the *Perſian* Monarchy gave a Right to the *Chaldean* Conqueſts? I grant, the *Jews* did act under the *Perſian* Monarchs, as *Nehemiah* was Governour under *Artaxerxes*, and that they did ſwear to them, appears by *Jaddus*; but the Queſtion is, On what Right that Oath was founded? and whether upon *Alexander*'s Conqueſt, they could not as well take a new Oath to him? For why ſhould not preſent actual Dominion give as much Right, as ſucceeding into anothers Right of Dominion, which was at firſt gained by Conqueſt? If Poſſeſſion gives Right in one caſe, why not in the other; ſince there is more reaſon for Allegiance, where there is a Power of Protection, than where there is none. And ſo we find *Jaddus* and the *Jews* did ſubmit to *Alexander* afterwards, and ſome of them went into his Army, although *Darius* was ſtill living; which ſhews, that as they were not forward to break their Allegiance ſworn to *Darius*; ſo they were not obſtinate in oppoſing *Alexander*, but yielded to the over-ruling Hand of Providence.

Joſeph. l. 11. c. 8.

Deut. 17. 15.

Neh. 8. 9.

(2.) When the *Jews* had their Liberty granted them by the Kings of *Syria*. For *Antiochus Eupator* made *Peace with them, by which they were to have the Liberty of their own Laws*; and although he ſoon brake his Agreement with them; yet the *Lacedæmonians* and *Romans* owned them as a *Free People*, and treated with them as ſuch. And *Simon* pleaded to *Athenobius* in this War; *We have neither taken other Mens Land, nor holden that which appertaineth to others; but the Inheritance of our Fathers, which our Enemies had wrongfully in Poſſeſſion a certain time. Wherefore we having Opportunity, hold the Inheritance of our Fathers.* Which plainly ſhews, that they look'd on thoſe who ruled over them as unjuſt Poſſeſſors; at that time when they were ſo far under them, as to ſwear Allegiance to them. After this *Antiochus Pius* did grant them their Liberty upon Compoſition; which they enjoyed as their Neighbours did, and ſuffered not as Slaves to the Kings of *Syria*, but as ſometimes oppreſſed by them.

Joſeph. 12. c. 15.

1 Maccab. 14. 16. 40.

15. 33. 34.

(3.) When they were reduced into the form of a *Roman Province*; which was done by *Pompey*. And from that time they were in Subjection to the *Roman* State; being only permitted to enjoy the Liberty of their Religion.

But I ſhall take notice only of the caſe of the *Jews* Subjection to the *Roman* Emperor in our Saviour's time. *Suetonius* takes notice of *the*

ſtrange Impudence of Tiberius, *in ſeeming ſo long to decline the accepting the Soveraignty, when from the very firſt he had aſſumed the Soveraign Power, without asking the Leave either of Senate or People.* * *Tacitus* ſaith, *That he took upon him the Government immediately upon the Death of* Auguſtus; *and did exerciſe the Imperial Power every where; only when he was in the Senate he ſeemed to demur, for fear of* Germanicus *and his* Legions.

* Principatum, quamvis neq; occupare confeſtim, neque agere dubitaſſet, & ſtatione militum, hoc eſt, vi & ſpecie dominationis aſſumpta, diu tamen recuſavit impudentiſſimo animo. *Sueton. c.* 24.

† Dio, *That he exerciſed all the parts of the Government, having ſecured the* Italian *Forces to himſelf*; but he declined the Name, till he underſtood the Deſign of *Germanicus*.

† Sed defuncto Auguſto, ſignum prætoriis cohortibus, ut Imperator dederat, Excubiæ, Arma, cætera Aulæ; Miles in forum, miles in curiam comitabat; literas ad Exercitus, tanquam adepto Principatu miſit; nuſquam cunctabundus niſi cum in Senatu loqueretur. *Tacit. l.* 1. *Dio l.* 57.

So that here we have a plain *Original* Uſurpation in *Tiberius*; there being no conſent of Senate and People to his aſſuming the Soveraign Power. And yet *Tacitus* ſaith, *Firſt the Conſuls and great Officers, then the Senate and People did ſwear Allegiance to him.* Which was before he had their Conſent. For he uſed his own Art afterwards, that he might ſeem to be choſen by them; and not to come to his Power by the force of Arms, or the Intrigues of his Mother. But what Appearance of conſent ſoever afterwards he gained from the *Senate*, it was extorted from them by Force or Fraud; as is evident from the ſame Hiſtorians. But what Right can ſuch a Conſent give? And he took away the Remainder of the Peoples Liberties in their *Comitia*, and never asked their Conſent.

What then was the Right of *Tiberius* to the Government founded upon? *Auguſtus* had ſeveral repeated Acts, whereby they continued his Government from time to time, and thereby ſhewed their Conſent, as *Dion* and *Strabo* affirm, *That the whole Government was committed to him from the Senate and People:* But what is there like this in the Caſe of *Tiberius? He was* Auguſtus *his Wife's Son, and he made him his Heir by his Teſtament:* And what was that to the *Roman* State? Was not *Agrippa Poſthumus*, then living, much nearer to *Auguſtus*, who was his own Grand-child? And by the Story in *Tacitus* of *Fabius Maximus*, ſeemed deſigned by him to ſucceed him; but upon the Diſcovery of it, firſt *Auguſtus*, and then *Agrippa*, was ſent out of the World to make way for *Tiberius*, who had before-hand engaged the Italian Legions. So that he truſted to no Teſtamentary Right, as appears by all his Colluſions with the Senate, which there had been no place for, if he had aſſumed the Government by virtue of *Auguſtus* his *Teſtament* or *Adoption*.

Here we have then a plain Inſtance of one who was in the Poſſeſſion of Power without Colour of Right, and yet *Oaths* of *Allegiance* were taken to him, both by the Senate and People. And when theſe Oaths were taken, there was no adjuſting the matter between him and the Senate; for he had newly aſſumed the Government by Force when they took theſe Oaths. Here was no unqueſtioned Authority from the Senate (whatever *Vell. Paterculus* pretends) but when he had gotten the Power into his Hands, he required them to own it.

Auguſtus was ſo wiſe, as when they offered him their Oaths, he re-
Dio, l. 54. fuſed them for this Reaſon; *He conſidered well*, ſaith *Dio*, *that if they gave their free Conſent, they would do what they promiſed without ſwearing*;

ing; and if they did not, all the Oaths in the World would not make them. But *Tiberius* was of another mind, and he required their Oaths in the firſt place; and it is not improbable that the ſame were required in ſeveral Provinces.

When our Saviour appeared in *Judea*, *Tiberius* was in poſſeſſion of this Power, over the *Roman* Empire; and becauſe the *Jews* were more ſcrupulous than other People, on account of their Fundamental Laws, as to the owning any uſurped Juriſdiction over them; ſome among them put the Queſtion to him about paying Tribute to *Cæſar*, *i. e.* about owning any Act of Subjection to an Uſurped Power. For there were plauſible Arguments on both ſides; one was from the Strictneſs of their Laws; the other was from the Benefit they received from the Roman Protection. The former ſeemed to have more of Conſcience, and the latter of Humane Prudence. Our Saviour takes a wiſe Method to anſwer the Doubt; he asks for the Currant Tribute-Money, and finding it had *Cæſar's* Superſcription, ſaith, *Give to* Cæſar *the things that are* Cæſar's. They might have replied, they are his *de facto*, but not *de jure*. Why did not our Saviour anſwer this Difficulty, but leave them to collect their Duty from the uſe of *Cæſar's* Coin among them? Might not one that had no Right, have the Power of coining Money, and diſperſing it, ſo that it ſhould be in common uſe? And was not *Tiberius* ſuch an one? What then doth he mean by this Anſwer? Either we muſt ſay, that he declines the main Queſtion, or that he reſolved it to be lawful, upon general Reaſons, to ſhew Acts of Subjection to ſuch a Power, which we may not be ſatisfied, is according to our Laws. For ſo it is plain the Roman Power was not agreeable to the Jewiſh Conſtitution; and although that were from God, yet our Saviour, who gives the beſt Directions for Conſcience, would by no means have Men to be peeviſh or obſtinate in ſuch Matters.

But paying of Tribute is quite another thing from Oaths of Allegiance. It is ſo, as to the manner of teſtifying our Subjection; but the main Queſtion is, Whether any Act of Subjection be lawful or not? If it be lawful to teſtifie it one way, why not another? If in paying Tribute, why not in ſolemn promiſing to pay it? If in promiſing, why not in ſwearing, *i. e.* in calling God to witneſs that I do it? Thus far then we may go; *we may ſwear to pay Tribute*; but on what account? Is it not as a token of Allegiance, *i. e.* of a Duty owing on the account of Protection? Then we have gained one ſtep farther, *viz.* that we may ſwear to perform ſome parts of Allegiance. But why then may we not do ſo as to all that ſuch an Oath implies, if it reſpects no more than the Duty which we owe, with reſpect to the Publick? And that is certainly the meaning of an Oath, when all Declarations of Right are left out, and only thoſe of Duty expreſſed, as it is in our preſent Caſe.

As to the dreadful Charge of *Perjury* and *Apoſtacy*, which ſome, of much greater Heat than Judgment, have made uſe of againſt thoſe who hold it lawful to take the Oaths; if what I have ſaid be true, it is little leſs than ridiculous: And it would have had more appearance of Reaſon, if the *Phariſees* had urged it againſt our *Saviour's* Reſolution of the Caſe about *Tribute-Money*. For had not God by his own Law ſettled the Government among them? And was it not a Fundamental Article of that Law, that none ſhould rule over them, but one of their Brethren? Was the Roman Emperor, or *Pontius Pilate* ſuch?

Have

Have not all the ancient Zealots of the Law oppoſed any ſuch Foreign Power? What can it be then leſs than *Perjury and Apoſtacy* to give any Countenance to ſuch an open Violation of this Law, and to incourage Men to renounce it; when they find ſuch Liberties allowed by ſuch a Teacher? But I forbear.

To conclude then; I have, at your earneſt Deſire, taken this Matter into ſerious Conſideration, and have impartially weighed the moſt preſſing Difficulties I have met with; I cannot promiſe to give you Satisfaction, but I have ſatisfied my ſelf, and have endeavoured to do the ſame for you. I am heartily ſorry for any Breaches among us at this time, and it is eaſie to foreſee who will be the Gainers by them. But I am glad to underſtand that the chiefeſt of thoſe who ſcruple the Oaths, have declared themſelves againſt the Attempts of ſuch an *Unſeaſonable Separation*, and I hope others will be ſo wiſe as to follow their Example.

I am, Sir,

Octob. 15. 1689. *Yours.*

A VINDICATION OF Their MAJESTIES Authority TO FILL THE SEES of the Deprived BISHOPS;

In a LETTER out of the Country. Occaſioned by Dr. *B---'s* Refuſal of the Biſhoprick of BATH and WELLS.

SIR,

THE Account we have received here of Dr. *B* ——'s Refuſal of the Biſhoprick of *Bath* and *Wells*, hath occaſioned great Talk and different Cenſures, as men are divided in their Intereſts and Opinions. I know not what to think of it, becauſe I know not the Reaſons for which he did it; but it is an unhappy amuſement at ſuch a time as this, to which a Wiſe Man, who had well conſidered Conſequences, would not have given the occaſion. I hope it may end all in noiſe, without any miſchievous Effects; but conſidering how many there are, who are very watchful to improve every Accident to the Diſturbance of the Government, and to unſettle mens minds, I cannot forbear giving you my Thoughts about it; tho' my tender regard for the Perſon concerned, would have made me ſilent at any other time.

I can eaſily apprehend ſeveral Reaſons which might move Wiſe and Good men, where there are no greater and more preſſing Obligations to the contrary, rather to chuſe an Eccleſiaſtical Preferment void by Death or Ceſſion than by Deprivation; but our preſent Circumſtances are ſuch, as ought to over-rule all Niceties; the miſchiefs of ſuch a Refuſal being ſo intolerable, as nothing can excuſe, much leſs juſtifie it, but the abſolute unlawfulneſs of ſucceeding in ſuch Preferments, while the Deprived Biſhop lives; which would be very odd for them to pretend, who have ſubmitted to the preſent Government. To ſatisfie you in this matter, I ſhall briefly conſider the firſt ſort of Reaſons, and ſhew that they are no Reaſons in our Circumſtances; and then examine the Lawfulneſs of the thing it ſelf.

As for the firſt, It may ſo happen, that the perſon Deprived, and the perſon to be Promoted, have been old and intimate Friends; and this may grate hard upon the perſon to be Promoted, to ſucceed in the Chair of one whom he loves, whoſe Misfortune he pities; whom he greatly values for his other many Good Qualities: Now if to refuſe ſuch a Preferment, would keep my Friend poſſeſſed of it, there were ſome ſenſe in this; but I know no other caſe, wherein 'tis thought a Breach of Friendſhip to ſucceed a Friend in a Preferment which he has loſt, and which the Law ſays is not, and ſhall not be his; when there is no ſuſpicion of foul play in ſupplanting him, any more than to ſucceed a dead Friend: Friendſhip is ſo far from being any Reaſon againſt it, that it ſhould make it deſirable

ſirable to both; to one, That his Friend may get what he has loſt; to the other, That he may have opportunity, if there be occaſion for it, to make his Friends Misfortune more eaſie, than a Stranger would do.

And if Friendſhip be no Objection, What ſhould hinder any Man from taking a Preferment, which another is legally deprived of? for I muſt take the Legality of it for granted now, and argue upon that Suppoſition. We muſt not take away what is another's; but ſurely what is not his, we may accept from thoſe who have Power to give it. If one may give, the other may receive; for let the Objection be what it will, it lies as much againſt the Giver as the Receiver. They who have loſt it, want it; And what then? ſo do a great many Men what is not theirs, what they never had, as well as what they have loſt: And muſt no Man take a Preferment in Church or State which another wants? Muſt the good Order and Government of Church and State be ſacrificed to the Wants and Misfortunes of private Men?

But there is a more material Conſideration, which may influence prudent and cautious Men, who are well preferred already. The Experience of the Revolution in 1660 hath taught them, how dangerous it may be in caſe ſuch a Revolution ſhould happen, to change their old Preferments for new ones, which may be challenged again by their old Proprietors. But in our Caſe there is the leaſt to be ſaid for this Caution, that can poſſibly be in any Revolution: for it is as vain a thing to hope to ſecure our ſelves in ſuch a Revolution, by Prudence and Caution, as it is for a Man to fortify his Houſe againſt the breaking in of the Sea: If he take care of the Banks, and keep out the Sea, his Houſe will eſcape; but if the Sea break in upon him, he muſt periſh with his Neighbours. If there ever be ſuch a Revolution as can unſettle what this hath done, God be merciful to this miſerable Nation; the prudent and the cautious Sinner, and the zealous Defenders of the preſent Government, will fare much alike: Nay, however they may flatter themſelves, the deprived Biſhops will not long triumph over their new Succeſſors.

Thus in ſome Caſes it may be a good Reaſon not to do a very lawful and innocent thing, if it be greatly miſtaken and miſrepreſented, and give a general Offence and Scandal: But when it appears, that there is nothing but Miſtake and Paſſion, and private Intereſt, or ill Deſigns on one Side, and a real Scandal, and great and publick Miſchief on the other; no wiſe Man will deliberate long which ſide to take: None but the Enemies of the Government can take offence at any Man's ſucceeding the deprived Biſhops; and I think thoſe who have ſubmitted to the Government, and ſworn Allegiance to their preſent Majeſties, ought not to be concerned at that: They have offended theſe Men already, and are no better in their Opinion than Perjured Rebels; and all that they can now gain by humouring them, is to be flattered, and to be laugh'd at. They may for a while give them ſome good words, as our Diſſenters did thoſe honeſt Men, who, as they thought, conformed againſt their Conſciences; but they will either ſecretly abhor them as Knaves, for ſwearing againſt their Conſciences, or deſpiſe them as Fools for refuſing Biſhopricks. And this is no very good Reaſon for a wiſe Man to court their Favour.

But on the other hand, what an unpardonable Scandal does ſuch a Refuſal give, both to the Enemies, and to the Friends of the Government, and to the Government it ſelf?

What-

Whatever may be pretended, the World will not believe that Doctor *B*—— refuſed a Biſhoprick, but either out of Fear or Conſcience: The firſt calls in queſtion the Stability or Continuance of the preſent Government; the ſecond the Authority of it. Now this confirms the Enemies of the Government in their Opinion of the unlawfulneſs to ſubmit to it, and encourages them to attempt its overthrow; it weakens the Hands of Friends, and makes them cautious of embarking in a ſinking Intereſt, and fills them with new Jealouſies of the lawfulneſs of it; and what juſt offence this muſt give to the Government, I need not ſay.

The truth is, were I not better perſwaded of the good Inclinations of their Majeſties to the Church of *England*, and the general Inclination of the Nation to ſupport the Government, I ſhould dread what might be the fatal Conſequence of ſuch a miſcarriage as this both to Church and State.

There are always too many, who are glad of ſuch an opportunity to reproach the Church, and to poſſeſs their Majeſties with an ill Opinion of the Clergy, notwithſtanding their Oaths of Allegiance; and I confeſs this gives too great an Advantage to ſuch Miſrepreſentations, were not the Zeal and good Affection of wiſer Men too well known to be ſuſpected; and then I hope a ſingle Inſtance of Folly can do no great hurt; for that is the ſofteſt Name I can give it, on which ſide ſoever I view it.

This plainly proves, that ſuppoſing it lawful to have taken the Biſhoprick, no other Conſideration whatſoever can juſtifie the refuſal in our Circumſtances; and I know not how to ſuppoſe that Dr. *B*—— could think it unlawful.

He ſubmitted to the Government, and took the Oath of Allegiance as early as any Man; and never, that I heard, had the leaſt ſcruple about it; and yet this was the time to have been Scrupulous, if he would have been ſo; for it ſeems a little of the lateſt, when he is become a ſworn Subject to King *William* and Queen *Mary*, to queſtion their Authority to make a Biſhop. And if the former Biſhops were Deprived, and New Biſhops made, by ſuch an Authority as he can ſwear Allegiance to, I cannot underſtand, that it can be unlawful to accept a Biſhoprick from the Hands of thoſe whom he owns, by his ſwearing Allegiance to them, to have Authority to give it; for this is an Authority which belongs to the Imperial Crown of *England*.

Beſides this, Dr. *B*—— was one of thoſe, who by Commiſſion from the Dean and Chapter of *Canterbury*, hath exerciſed Archi-Epiſcopal Authority, during the Vacancy of the See, by the deprivation of the *A. B.* as it is expreſſed in the Commiſſion; and I take this to be altogether as unlawful (if either of them were unlawful) to ſeiſe upon the Authority of the *A. B.* upon the Account of his deprivation, as to take the Character, and exerciſe the Authority of a Biſhop in the See of a deprived Biſhop. To receive the Conſecration of a Biſhop, I ſuppoſe, is not the thing he accounts unlawful, nor to exerciſe the Authority of a Biſhop; and then there is nothing he can think unlawful, but to exerciſe the Authority of a Biſhop in the See of a deprived Biſhop; and then it ſeems to me as unlawful for a Presbyter to do this, as for a Biſhop to do it; unleſs a Presbyter may do it without the Revenues of the Biſhoprick; but a Biſhop muſt not do it with them; but this can be no Eccleſiaſtical Scruple, as ſo great a Canoniſt muſt needs know; for if the Civil Power cannot diſpoſe of ſuch Temporal Matters, it can do nothing.

But whatever he thought, his refuſing a Biſhoprick upon great deliberation, after an appearing forwardneſs to take it, hath tempted People to

think, that he judges it unlawful; and to let him see how inconsistent this is with his owning the present Government, and his exercising the Archiepiscopal Authority, I shall explain the meaning of it to him, which, I believe he never thought of.

If it be unlawful to succeed a deprived Bishop, then he is the Bishop of the Diocess still; and then the Law that depriyes him is no Law, and consequently the King and Parliament, that made that Law, no King nor Parliament; and how can this be reconciled with the Oath of Allegiance, unless the Doctor can swear Allegiance to him, who is no King, and hath no Authority to govern?

If the deprived Bishop be the only lawful Bishop, then the People and Clergy of his Diocess are bound to own him and no other; then all Bishops, who own the Authority of a new Arch-bishop, and live in Communion with him, are Schismaticks; and the Clergy, who live in Communion with Schismatical Bishops, are Schismaticks themselves; and the whole Church of *England* now established by Law is Schismatical, and Doctor *B*—— himself a Schismatick, if he communicate with it. And thus we have no Church, or only a Schismatical Church, as well as no King; and all that Dr. *B*—— has got by refusing a Bishoprick, is to prove himself a Schismatick, if he live in Communion; or to make a Schism, if he separate from it.

Now will the Doctor say this? or if he dare not say it, will he dare to think it? and yet if the deprived Bishops, though they retain their Episcopal Character, have no Authority or Jurisdiction in the Church of *England*, then it must be lawful for other Bishops to exercise that Authority, which they have lost; and to succeed in the Government of such vacant Sees, unless such Churches must be deprived of the Episcopal Authority, while their deprived Bishops live.

And this brings me to consider the lawfulness of the thing it self, which is so evident when set in a clear light, that it will admit of no dispute with Men of Sense.

In a late Letter said to be sent to Doctor *B*—— and now printed on the Backside of a scandalous Rhyming Libel upon his Sermon of *Restitution*, he is threatned in case he should accept the Bishoprick, with the Fate of those *Ecclesiastical Schismatical Usurpers*, Gregory *and* George *of* Cappadocia, *who unjustly invaded the See of* Alexandria *upon the deposing of* Athanasius *the Orthodox Bishop there*. What effect this might have on Dr. *B*— I know not; but those who have used themselves to *good Sense*, as well as to *ancient Canons*, easily perceive a vast difference between these two Cases, as will presently appear. But to represent this matter plainly and easily, I shall briefly state the Case, and that I believe will satisfie understanding Men, without disputing.

1. First then in a Christian Nation and Government, the Church is incorporated into the State, and the Soveraign Power has a Supremacy in all Ecclesiastical Causes. To deny this, is either Popery or Fanaticism: It is plain, the Reformation of this Church was founded on this Principle; and it is the constant Doctrine of our Articles, Homilies, and Canons, and they are our Rule considered as Members of the Church of *England*.

2. This Supremacy, though it do not extend to the administration of Holy Offices or Church Censures, yet it reaches the Persons and external Jurisdiction of Bishops and the other Clergy, and the Regulating and Ordering the Externals of Religion: As the making and deposing Bishops, when there is just cause for it, belongs to the Supremacy; which Authority

rity was exercised by the *Jewish* Kings over the High Priest himself: and to resolve all this into a meer Ecclesiastical Authority, is to set up a Pope, or a Presbytery, or a National Synod, above the Supream Power; and we may as well say at this day, that the Supream Power has no Authority to make a Bishop, because by the ancient Canons and Practice of the Church, a Bishop ought to be freely and canonically elected by the other Bishops of the Province, or by the Clergy and People of the Dioceſs; as that it cannot depose a Bishop from the exercise of his Episcopal Authority within their Dominions, without a Synod or Council.

3. When a Church is incorporated into the State, an offence against the State is a just reason to depose a Bishop from the exercise of his Episcopal Authority in such a State: Especially if such Bishop or Bishops wholly disown the Authority and Government of the State, and refuse to submit to it: The denial of the King's Supremacy in Ecclesiastical Causes, was thought a good Reason to depose Bishops; and to deny their Civil Authority, is somewhat more than that. This is as certain and evident, as that the *Church* is and must be Incorporated into the State; for if Bishops, who oppose and disown the Authority of the State, must not be deposed from the Exercise of their Authority in such a State, then the *Church* must be divided from the State, and be independent on it; such Men may be Bishops of the *Church* who are no Subjects of the *State*; which is a contradiction to the very Notion of a *Church* incorporated with the *State*.

4. And therefore we must distinguish between an Ecclesiastical and Canonical deposition of a Bishop for Heresie, or other Ecclesiastical Crimes; and a State-deprivation. The first concerns the Character, and Ecclesiastical Communion; it is the Censure of the Church, which concerns him as a Bishop; and when it is ratified and confirmed not only by a Provincial or National Synod, but by a General Council, such a deposed Bishop is no longer a Bishop of the Catholick Church, and no Christian must Communicate with him as a Bishop: But a State-deprivation does not concern the Character; such a Man may be a Bishop of the Catholick Church still, if he do not fall under Church-Censures, for Heresie or other Crimes; but it only concerns the Exercise of his Episcopal Authority in any Dioceſs within the Dominions of that State, or enjoying any Ecclesiastical Benefice in it. And if we will not allow the Supreme Power of a Nation to judge, who shall be Bishops in their Dominions, and enjoy the Revenues of the Church, which are the Gift of the State, you leave the Supream Power no Authority or Jurisdiction over Ecclesiastical Persons.

5. And this makes a great difference between succeeding an Orthodox Bishop uncanonically deposed, and succeeding an Orthodox Bishop deprived by an Act of State. If a Bishop be deposed by an Heretical Synod upon false suggestions, and publickly known to be false and malicious, and be own'd and acquitted by a *Council* of Orthodox Bishops, it is Usurpation to invade his See, a breach of *Catholick Communion*, and a Schism in the *Catholick Church*, which was the Case of *Athanasius* and *George* of *Cappadocia*, who succeeded him: But if a Bishop otherwise Orthodox, is guilty of such an Offence against the State, that he is deprived of the Exercise of his Episcopal Office, neither the *Faith* nor the *Communion* of the *Church* is concerned in it, but only the Authority of the State, which obliges both the *Clergy* and *the Laity* in such cases; and when neither the *Catholick Faith* nor *Catholick Communion* are concern'd, it can be no

Ecclesiastical Offence to succeed in such a Bishoprick, but a due submission and compliance with that Authority, to which the *Church* in a Christian Nation ought to be subject.

The reason why these Matters are not so accurately distinguished by some Men, is because they were not at first distinguished when the Empire became Christian, and the *Church* was at first Incorporated into the *State*. The Zeal of the Christian Emperors for the Service of the *Church*, and that great Opinion which at that time they deservedly had of the Piety and Prudence of the Governours of the *Church*, made them leave the Government of the *Church* in the same state they found it in, when the *Church* was a distinct Society from the *State*; and in consequence of this, they reserved all Causes relating to Bishops to the Cognizance of their own Synods, without distinguishing between Offences against the State, which properly belong to a Civil Cognizance, and those which were of a pure Ecclesiastical Nature. This soon created great trouble to Princes, and by degrees grew into the Omnipotent Power of the Bishop of *Rome*, which domineered over Emperors themselves, and set the *Church* above the *State*.

The Reformation of our Church began with the Reformation of this Abuse and Church-Usurpation, and restored our Princes to that Supremacy, which both the Laws of God and the reason and nature of Sovereign Power gives them over all Persons, in all Causes, as well Ecclesiastical as Civil: And now an Offence against the State, is as just a Reason for a State-Deprivation by the sole Authority of the State, without the Authority of Synods or Councils; as Heresie and Schism, and other Crimes are of Ecclesiastical Censures.

This Authority, as I observed before, the Jewish Kings exercised even over their High-Priests, as *Solomon* deposed *Abiathar* for following *Adonijah* to make him King, and placed *Zadock* in his stead; which was a pure State-Quarrel, and done by his sole Authority, without consulting the *Sanhedrim* in it. Thus when *Judea* was under the Government of the *Romans*, they changed the High-priests every Year; tho' by the Institution of God it was for Life; and this in our Saviour's Days, who never reproved them for it, nor separated himself or his Disciples from the Communion of such *Schismatical Usurping High-Priests*, who succeeded in the places of their living Predecessors without a Canonical Deposition. The *Grand Signior* at this Day makes and unmakes the Patriarch of *Constantinople* at pleasure, and no man blames the Patriarch who succeeds.

Dr. *Sherlock* in his Preface to the *Case of Allegiance*, took notice of this as matter of Fact, without enquiring into the Reasons. His Answerer had nothing to return to it, but by denying the legal Authority of this Government; which is just nothing to the purpose: For if a legal Government, by their Authority and Supremacy, can depose Bishops, and promote New ones; then all their Arguments against succeeding in the Sees of such Bishops as are not Canonically deposed by an Ecclesiastical Authority, are utterly lost; and besides that, if this Answer be good, no man ought to question these new Promotions, who owns the Authority of the present Government.

The Truth is, the same Objections which are now made against the Promotion of these new Bishops, are equally strong, and as eagerly urg'd at this Day by the Papists against our first Reformers: For they were promoted to Bishopricks while the former Popish Bishops were living, and not Canonically deposed by any Act of the *Church*, but only by the Authority

Authority of the *State*; and their denying the Supremacy of the King, was one, and none of the leaſt of thoſe Doctrines, which they were depoſed for; and yet that only rejects the King's Eccleſiaſtical Authority; and therefore as it is only an Offence againſt the State, ſo it is a much leſs Offence, than utterly to renounce their Authority in Civil and Eccleſiaſtical Cauſes, as our deprived Biſhops now do.

I ſhall not need to enlarge on theſe things, which are plain and obvious at the firſt Propoſal: If you have any opportunity of ſeeing Dr. *B*——, deſire him to conſider again of it; and though he may repent too late to do himſelf any good, yet if he diſcover his miſtake, common Juſtice to the Government, under whoſe Protection he lives, and to Their Majeſties, to whom he has ſworn Allegiance, and who had placed ſuch a Mark of Favour and Honour on him, had he known how to value it, obliges him publickly to own his Miſtake, which is the only recompence he can now make. I am,

SIR,

Your Humble Servant.

AN

AN ANSWER TO THE PAPER

Delivered

By Mr. *Ashton* at his Execution to Sir *Francis Child*, Sheriff of *London*, &c. Together with the Paper it self.

Mr. *ASHTON*'s Paper.

Mr. Sheriff,

HAVING observed that the Methods of making Speeches at the place of Execution was not always attended with the designed Success; and thinking it better to imploy my last Minutes in Devotion and Holy Communion with my God; I have prepared this Paper to leave in your Hands, as well to assert my Principles, as to testifie my Innocency. As to my Religion I profess, by God's Grace, I dye in the Faith into which I was baptized, that of the Church of England, *in whose Communion (nothing doubting of my Salvation thro' the Merits of my Saviour) I have always thought my self safe and happy; according to her Principles and late much esteemed Doctrines (tho' now unhappily exploded) I have regulated my Life, believing my self obliged by my Religion to look upon my rightful lawful Prince (whatever his Principles were, or his Practises might be) as God's Vicegerent, and accountable (if guilty of Male-administration) to God only, from whom he received his Power; and always believing it to be contrary to the Laws of God, the Church, and the Realm, upon any pretence whatsoever to take up Arms against him, and let all the World take notice, in this Belief I dye. But I have more particular Obligation to the King my Master, whom I have had the honour to serve, and received many signal Favours from him, for sixteen years past, so that Gratitude (a thing not much esteemed at this time) as well as Duty and Religion commanded the utmost Service I could pay him; and when I add these Considerations, that we were born his Liege-Subjects, that we have solemnly professed our Allegiance, and often confirmed it with Oaths, That his Majesty's Usage after the Prince of* Orange's *arrival was very hard, severe, (and if I may so say) Unjust; and that all the new Methods of settling this Nation have hitherto made it more miserable, poor, and more exposed to Foreign Enemies; and the Religion we pretend to be so fond of preserving, now much more than ever likely to be destroyed: There seems to me no way to prevent the Impending Evils, and save these Nations from poverty and destruction, but the Calling home our Injured Sovereign, who*

as

as a true Father of his Country has (notwithstanding all his Provocations and Injuries) a natural love and tenderness for all his Subjects; and I am so far from repining at the loss of my life, that had I ten thousand I should think my self obliged to sacrifice them all rather than omit any just and honest means to promote so good and necessary a work; and I advise and desire all my fellow Subjects to think of their Duty and return to their Allegiance, before the severe Judgment of God overtake them, for their Perjury and Rebellion, but certainly the Good and Interest of these Nations, abstracted from all other Considerations, will e're long convince them of the necessity of doing it.

Having thus frankly declared my Principles, I know the Inference will be, that I have acted accordingly, and consequently, that I am now justly condemned; but as I ingenuously own the Premises, so I positively deny the Consequence; for whatever my Inclinations or Actions have been, yet, as to the Matter I was sentenced to dye for, I declare my self innocent, and will appeal even to the Judges themselves, whether or no, upon my Tryal, there appeared the least proof that I knew a tittle contained in the Papers, but Presumption was, with the Jury, thought sufficient to find me guilty, tho' I am told, I am the first Man that ever was condemned for High Treason upon bare Suspicion or Presumption, and that contrary to my L. Coke's *and other eminent Lawyers Opinions. The knowledge of my own Innocency, as to the Indictment and Charge against me, was, that that armed me with so much assurance, and occasioned my casting my Life upon the first Twelve Men of the Pannel, without challenging any. But tho' I have, I think, just reason to complain of the severe Charge given by the Judges, and hard measure I have received, not to mention my close Imprisonment, the hasty and violent Proceedings against me, nor the Industry used in the Return of fitting Persons to pass upon me, the denying me a Copy of the Pannel, &c. Yet, as I hope for pardon and forgiveness at the hands of my God, so do I most heartily pray for, and forgive them, and all my Enemies, all the World, nay even that Judge and Jury-man who did so signally (contrary to common Justice) expose themselves to destroy me. But let the Will of God be done: I rely wholly upon his Mercy and the Merits of my blessed Saviour for Salvation, I do chearfully and entirely resign my self into his Hands, as into the Hands of a faithful Creator, in sure and certain hopes of a happy Resurrection. Bless, protect, and strengthen, O Lord God, my good and gracious King and Master; in thy due time let the Virtue, Goodness and Innocency of the Queen, my Mistress, make all her Enemies blush, and silence the wicked and unjust Calumnies that Malice and Envy have raised against her; make her and these Nations happy in the Prince of* Wales, *whom from unanswerable and undoubted Proofs I know to be her Son; restore them all when thou seest fit to their just Rights, and on such a Bottom as may support and establish the Church of* England, *and once more make her flourish, notwithstanding the Wounds she hath received of late from her prevaricating Sons.*

Forgive, forgive, O Lord, all my Enemies, bless all my Friends, comfort and support my dear afflicted Wife, and poor Babes, be thou a Husband and a Father to them; for their sakes only I could have wished to live; But pardon that Wish, O good God, and take my Soul into thy everlasting Glory. Amen.

JN° ASHTON.

The

The ANSWER.

THE Paper which passeth under the Name of Mr. *Ashton's* SPEECH seems to me to be composed with too much Art and Care to be the Work of one who professeth, he *thought it better to employ his last minutes in Devotion:* And if he was *so illiterate and unskilled in the Law*, as he said at his Tryal, *Fol.* 111. one may justly wonder not only at such Terms as *Impending*, *Prevaricating*, *Premisses*, and *Consequence*, &c. but at such a peremptory Judgment as he gives *about the Laws of the Realm*, in a Case that must be acknowledged by all ingenious men of his own Party to have a great deal of Difficulty in it.

But there are some Men who think to bear down all others by their Confidence, and would have it taken for granted that the whole Nation (themselves excepted) is under the guilt of *Perjury* and *Rebellion*.

These are the modest Terms in this Speech, which at least do not become the Charity of one just going out of the World. Therefore I rather believe it to be drawn up by some Persons of more Art and Leisure; who thought it best to convey their own *Sentiments* (as they call them) under the more popular Name of one who suffered for their Cause.

But the Weight of what is said doth not depend on the Person, and therefore I shall calmly and impartially consider the Things themselves, and shew how unjust and unreasonable the Insinuations are which respect the present Government, and all such who act in Obedience to it.

There are two Things this Paper is said to be design'd for, *to assert his Principles*, and *to testify his Innocency:* For his *Principles* he *professeth, that he dyes in the Faith and Communion of the* Church of England. And he might have lived longer in both if he had pleased, for I cannot see how the *Faith and Communion of the* Church of *England* obliged him to do that for which he suffered: But, by the *Faith of the* Church of *England* he means the *Doctrine of Passive Obedience*. Be it so: however he suffered not for his *Passive Obedience*, but for the want of it: If he *had regulated his Life by this Principle*, he had preserved it; yet he saith he did so, and dyed for it. There must be certainly then some great Mistake about the *Doctrines and Principles of our Church*. I always thought those are to be found in the *Articles* and *Constitutions* of it. Which of these did he suffer for?

They are, he saith, *her Principles and late much esteemed Doctrines tho' now unhappily exploded*. I know of no *Doctrines* or *Principles of the* Church of *England* which are *exploded* among us; and therefore this is *unhappily* insisted on by a dying Man, unless he had given some Proof of it.

Well; but he believed himself obliged by his Religion to look upon his Rightful, Lawful Prince (whatever *his Principles were, or his Practices might be*) *as God's Vicegerent, and accountable to God only, from whom he received his Power*. All this he might have done, and have been alive still; for the Matter in dispute is not whether *Rightful, Lawful Kings are to be obeyed*, but who in our present Circumstances is our Rightful, Lawful Sovereign; not whether *Kings be not God's Vicegerents*, but whether God doth not sometimes confer the Right of Sovereignty by a *Law superiour* to the *Laws* of *particular Countries*, that is by the *Law of Nations*, which establisheth such a *Right* upon the success of a just War; not *whether Sovereign Princes are not accountable only to God*, but whether Allegiance

giance be not due where the Rights of Sovereignty are placed, by an *extraordinary Act of Providence* and the *concurrent Consent of the Nation.* But he goes on; *And always believing it to be contrary to the Laws of God, the Church and the Realm, upon any Pretence whatsoever to take up Arms against him, and let all the World take notice in this Belief I dye.* I had much rather have *taken notice* that in this Belief he lived; for I see no Reason of his dying for it. For, why must a Man be said to die for *not taking up Arms*, who was Condemned to die for a Design just contrary, *viz.* for the subverting the present Government by Domestick Insurrections and Foreign Power?

So that the Question is not about *Passive Obedience*, but to whom it is due; I grant that the *Laws of God and of the Realm* are to determine the Measures of our Obedience; but here lies the only Point, whether the Rights of Sovereignty may not be transferred by the success of a just War and the Consent of the People: For if they may, then according to his own Principles he suffered *justly*. And if the Directors of his Conscience did not speak to this Point, they led him into a dangerous Error, and have been too much the Occasion of his suffering.

Therefore to clear this whole Matter, and to prevent the like Mistakes in others; I shall endeavour to state the present Case of our Government, so as as to shew both that it is our Duty to submit to it, and that no *Principles or Doctrines of the* Church of *England* are violated thereby.

To do this, we must of necessity look back to the Occasions of this great Revolution: And there were two principal Occasions of it.

First, Great and violent Presumptions of an Injury to the Right of Succession.

Secondly, Too great Evidence of a formed Design to subvert the established Religion and Civil Liberties of the Nation.

Now there are two very material Questions which arise from hence.

First, Whether these were the *just Occasions* of a War?

Secondly, Whether upon the success of this War the *Rights of Sovereignty* were duly transferred?

If these were *just Occasions* of a War, and upon the Success thereof the *Sovereignty* was duly transferred, then there can be no Dispute left to whom our Allegiance is due.

It is taken for granted by all who understand these Matters, that there is a *Law of Nature*, which determines the Rights and Properties of particular Nations; and that all private Persons are bound to submit to the municipal Laws of those Societies for their Peace and Security: So there are other Laws which concern those *Nations*, as they make up several *independent Governments* upon each other. And there are several Rights which belong to them with respect to one another, which do not belong to private Persons as they live in subjection to any particular Government.

And as there are such Rights, so there must be a just and lawful way for Reparation of Injuries. In particular Governments, the thing is plain by established Laws and Courts of Judicature, whose Sentence is Executed by the Civil Power; but in Separate Nations and Independent Governments, although there be Laws by consent called the *Law of Nations*; yet there is no commmon Judicature to determine of Right and Wrong, and therefore in case of Injury there is an allowance for the injured Party by this *Law of Nations* to Right himself by Force, as there would be to every particular Person, if there were no Laws nor Power to see them executed. There is then a Right in every Sovereign and Independent Prince to

exercise Force against another Prince, who detains any Right from him, or doth any Injury to him, or to those he is bound to defend.

The Question then comes to the *Just Occasions* of such a War, and here are two assigned.

First, great and violent Presumptions of an Injury to the Right of Succession. This is expresly mentioned and insisted on, in the Declaration of the then Prince of *Orange* (our present King) in these Words —— " But " to crown all, there are great and violent Presumptions inducing us to " believe that those evil Counsellors, in order to the carrying on of their " ill designs, and to the gaining to themselves the more time, for the ef- " fecting of them, for the encouraging their Complices, and for the dis- " couraging of all good Subjects, hath published that the Queen hath " brought forth a Son; tho' there have appeared both during the Queen's " pretended Bigness, and in the manner in which the Birth was managed, " so many just and visible grounds of Suspicion, that not only we our " selves, but all the good Subjects of these Kingdoms do vehemently " suspect that the pretended Prince of *Wales* was not born of the Queen: " and it is notoriously known to all the World, that many both doubted " of the Queens Bigness and of the Birth of the Child, and yet there was " not any one thing done to satisfie them and to put an end to all Doubts. " And since our Dearest and most entirely beloved Consort, the Princess, " and likewise we our selves have so great an Interest in this matter, and " such a Right as all the World knows to the Succession to the Crown — " And since the *English* Nation hath ever testified a most particular Af- " fection and Esteem both to our Dearest Consort and to our Selves; We " cannot excuse our Selves from espousing their Interests in a matter of " such high Consequence, and from contributing all that lies in us, for " maintaining both of the Protestant Religion, and of the Laws and Liber- " ties of those Kingdoms, and for the securing to them the continual En- " joyment of all their just Rights.

Here we have an Hereditary Right to the Crown asserted both remoter in Himself and nearer in the Queen, who was unquestionably the next, if there were no Heir Male: It was possible this Right might be really defeated by a Prince of *Wales*, and it was possible it might be pretended to be so when it was not: For there have been many Instances in History of suborned and suppositious Princes, and therefore there was reason that sufficient Evidence should be given in a Case of such Importance, and which was under so great Suspicion. But if there was no reasonable care taken to prevent or remove these Suspicions, then the Parties most concerned have a Right to assert their own Pretensions in such a way as the Law of Nations doth allow.

And in this Case no private Depositions or confident Affirmations of such as are Dependents or otherwise liable to Suspicion, can in Reason be taken for satisfactory Evidence; for let any one consider what the *Laws* of *Nations* have thought fitting Evidence in a Case of this Nature, and he will soon find how very much short such proofs are of what the Nature of the Thing has been thought to require —— The Civil Law is very strict where there is any occasion of Suspicion.

D. 25. Tit. 4. " It requires notice to be given twice a Month to the Parties concerned " that they may receive full satisfaction. That the Mother is to be kept " in a House by it self: That thirty Days before she expects to be deli- " vered, she must give notice of it to those who are most concerned, " that they may send such as they can trust to be present: that there

" ought

" ought to be but one Door where she is to lie in, and if there be more, " they must be done up; that at that Door there are to be Three Men " and Three Women and Two Assistants: That all Persons are to be " search't who go in, especially at the Labour, at which time there must " be sufficient Light in the Room. When the Child is born it ought to " be first shewn to the Parties concerned, and great care is taken about " the Persons in whose Hands he is put, and Satisfaction must be given " from time to time that it is the same Child, and if Satisfaction be not " given as to these things, the *Roman* Law doth not allow any Right of " Possession.

By the Old Common Law of *England*, in case of Suspicion, a Writ of Inspection was allowed, the Form whereof is in the Books, and if there were any doubt, the Woman was to be put into a safe place, where no Suspicious Persons were to come near her till she was delivered. This was then thought so reasonable a thing, that the Old Law-Books have a Chapter on purpose, *De Paratu Suppositio*, wherein Directions are given to prevent and discover a Subornation. *Bract.* l. 2. c. 32. *Fleta.* l. 1. c. 15.

These things I mention to shew what Satisfaction is necessary to be given in case of Suspicion, and the higher the Persons are, and of so much greater Importance as the Succession is, so much clearer ought the Evidence to be, that no occasion of Doubt may remain: But if no such care was taken, If the principal Persons concerned had not the least Satisfaction given them; If the whole thing were managed with Secrecy and suspicious Circumstances, then I can see no Reason to exclude those who are most concern'd from a Right of demanding Satisfaction by force of Arms.

But Mr. *Ashton* thinks he hath cleared this matter, when he affirms that he *knows* there was no Suppositious Birth *by unanswerable undoubted Proofs*, and this is put into his Prayer, that it might look like an appeal to God as to the Truth of what he said. This is one of the boldest and most artificial Strokes of the Penner of this Speech, not barely to make him affirm it with so much assurance, but to do it in his Prayer too. But a matter of so great Consequence is not to be determined upon the Testimony of any single Witness, although he were the most competent Witness as to such a matter, which doth not in the least appear as to Mr. *Ashton:* For how could he know it by *unanswerable and undoubted Proofs*; when considering the Circumstances that were in this Case, it was hardly possible to produce such *Proofs*, as would pass for unexceptionable Evidence upon a Legal Trial? For there hath been such a Trial here in *England* within the Memory of Man, wherein the Father, and Mother, and Midwife have all sworn to the Truth of the Birth of a Son, and yet the Jury upon hearing the whole Evidence have given Judgment that it was Suppositious. *In the Case of one Robins's Child, at* Hereford Assizes *about An.* 1668.

Therefore bare Affirmations of some Persons concerned are not Evidence sufficient in case of strong and vehement Presumptions to the contrary; and such Evidence ought to have been given as might have either prevented or removed any just grounds of Suspicion.

But since no such *unanswerable undoubted Proofs* were made to those who were most concerned, the same just Right doth remain to the *undoubted* Heir of the Crown, as it did in the former Case to the next Heir at Law, who upon a fair Trial and the Verdict of the Country, recovered the Estate. But between Princes there are no such ways of Trial or Courts of Judicature, and therefore in such Cases the Right of War is allowed by the general Consent of Mankind.

Secondly, There was a further just Occasion for that Expedition, which was the Design to subvert our Religion and Civil Liberties. As to the Particulars they are fully set down in the Declaration, and need not to be repeated; that which I am to make out is, that the then Prince of *Orange* by his Relation to the Crown had a just Right to concern himself in the Vindication of both, and that this is not repugnant to the Doctrines and Principles of the Church of *England.*

It was not thought disagreeable to them for Q. *Elizabeth* to assist the *Dutch* against the King of *Spain*; yet she had no such reason for it as our King and Queen had to prevent the suppression of their own Religion here, and the Rights of that People to whom they were so nearly related. For there was nothing in her Case so considerable as the growing Power of *Spain*, and the danger of overturning the Religious and Civil Liberties of a Neighbour-People. The Queen's Professor of Law in *Oxford* at that time saith, that it was then made a Question by some, whether Q. *Eliz.* had just Reason for that War in assistance of the *Dutch*, and he resolves the Lawfulness of it upon 3 Grounds: First, That it was to prevent ensuing Mischief; Secondly, From the ancient Alliance between the two Nations; Thirdly, That if the *Dutch* were totally vanquished by the *Spaniard*, they would be made Slaves under an Arbitrary Power. The Queen her self owned this as the Ground of her Resolution, *That it was Christian Piety to relieve them who were of the same Religion which she professed, and Wisdom to prevent the pernicious designs of her Enemies.* And in her Declaration she published this as the Reason of her sending Forces to the Aid of the *Netherlanders*, *That they might peaceably enjoy their ancient Freedom.*

Alberic. Gent. de Jure Bel. l. 1. c. 16.

In the latter end of the Reign of King *James* I. the War broke out in *Germany*, wherein the Emperor used his utmost endeavour to establish *absolute Power and Popery* together. There was occasion offered to try whether the giving Assistance against these were against the *Principles* and *Doctrines* of the *Church of England.* For the Prince Elector *Palatine* was chosen King of *Bohemia*, and sent over for King *James*'s Advice about it: But his Designs lay then so much another way, that he had no mind he should engage in it: But the Archbishop of *Canterbury* in his Letter to Sir *R. Naunton*, then Secretary of State, saith, *That God had set up this Prince his Masters Son in Law, as a Mark of Honour throughout all Christendom, to propagate the Gospel and to protect the Oppressed; that for his own part he dares not but give Advice to follow where God leads, apprehending the Work of God in this and that of* Hungary; *that he was satisfied in Conscience that the* Bohemians *had a just Cause; that the King's Daughter, the Elector's Lady, had professed, she would not leave her self one Jewel, rather than not maintain so Religious and so Righteous a Cause.*

In the beginning of the Reign of King *Charles* the First, when I suppose it will be granted, That the Doctrines and Principles of the *Church* of *England* were understood and followed; the King of *Denmark* had taken up Arms, *to settle the Peace and Liberty of Germany*, as he declared: But he met with a great Defeat. Whereupon King *Charles* the First thought himself concerned to give Assistance to him: And Archbishop *Laud* was then employed (as Dr. *Heylin* confesseth) by the King's Command to draw up a *Declaration*, to be published in all the Parishes of *England*; which was read by the King, and approved by the Council, wherein the *Greatness of the Danger they were in is set forth, and the People are exhorted to serve God and the King, and to labour by their Prayers to divert the Danger.* Wherein lay this Danger? It is there said to be, *That by the Defeat*

Life of Archbishop *Laud*, fol. 161.

of

of the King of Denmark, *there was little or nothing left to hinder the House of* Austria *from being Lord and Master of* Germany. And what then? Why then *there will be an open way for* Spain *to do what they pleased in all the West part of Christendom.* It seems then, it was not thought disagreeable to the Principles and Doctrines of our Church, to hinder the growth of a Western Monarchy, altho' it be by assisting Subjects against their Princes who promote it: And then follow these remarkable Words.

" You are to know therefore, that to prevent this is the present Care of " the King and State; and there is no probable way left, but by sending " of Forces, and other Supplies, to the said King of *Denmark*, to enable " him to keep the Field, that our Enemies be not Masters of all on a sud- " den. And not long after—" If he be not presently relieved, the Cause " of Religion is not only like to suffer by it in some one part, (as it hath al- " ready in a fearful manner in the *Palatinate*) but in all places where it hath " got any footing. So that if we supply not presently our Allies and Con- " federates in this case, it is like to prove the Extirpation of true Religi- " on, and the Replanting of *Romish Superstition* in the Neighbouring parts " of Christendom. And the Coldness of the State shall suffer in all places, " as the Betrayers of that Religion elsewhere, which it professeth and ho- " noureth at home; which will be an Imputation never to be washed off: " And God forbid this State should suffer under it.— And in the last place; " You are to call upon God your selves, and to incite the People to joyn " with you in humble and hearty Prayers unto God, That he will be plea- " sed now, after long Affliction of his dear People and Children to look in " mercy both upon them and us; and in particular for the Safety of the " King of *Denmark*, and that Army which is left him, That God would " bless and prosper him against his and our Enemies. Thus far Arch- bishop *Laud.*

Let those who now with as much Ignorance as Confidence, upbraid Men with Renouncing the *Doctrines and Principles of the Church of England*, read and consider these Passages; and if any thing will make them more wise and humble, this will. Did Archbishop *Laud* go off from the Church of *England*, or King *Charles* the First, who both suffered for the sake of it? But some Men have never throughly penetrated into the *Doctrines and Principles* of our Church, but look only on some Principles in opposition to the late Times of Rebellion, and think there is nothing farther to be look- ed after. Whereas the Consideration is very different as to our Duties, with respect to our own Princes, and those of a more general Concern- ment as to the state of Religion and Government in the World. But from hence it is plain, that it was then thought not only Lawful, but a Duty, to prevent the dangerous growth of such a Monarchy, which designs to suppress Religion and Civil Liberties; and not only to give Assistance to those who joyn in the same Design, but to pray God to bless and prosper it. And accordingly a Form of Prayer was then appointed for those Dangerous Times.

Not long after this a Breach with *France* happened, and the King pub- lished a Declaration of the ground of the War; wherein it is laid down as the first Ground, " That the House of *Austria* conspiring the Ruin of all " those of the Reformed Religion (as plainly appeared in the Affairs of " *Germany*) had such an Influence on the Councils of *France*, as to make " them break Promise in such a manner, as hazarded the loss of the whole " Party in *Germany*. The next is, " That he had broke his Articles with " his *Protestant Subjects*, when he had been a Mediator of Peace between

" them,

" them, and they had done nothing to violate them. So that a Design to suppress the *Protestant Religion*, in a *Neighbour-Country*, was looked on as a just Cause of War, when he was concerned to preserve it. And then another Form of Prayer was appointed to be used suitable to that Occasion; which plainly evidence, That such a Design was no-ways thought repugnant to the *Doctrines and Principles of the Church of* England.

But since the *French Conduct* seems to be now admired by this sort of Men, I shall bring some remarkable Instances from them.

It is Notorious to the World what Powerful Assistance the *French* gave to the Confederate Princes of *Germany*, against the Emperour, their Lawful Prince, and what Defence they made for this. They Published an Account to the World of the Reasons of it, and the Chief was this; *viz.* " That they had Reason to suspect, that from *Charles* the Fifth's Time " the difference of Religions had been secretly supported by the Emperours, " in order to their making themselves Absolute; and that the Changing " the Form of Government in the Empire, was sufficient for a Neighbour " Prince to interpose by force of Arms.

Motifs de la France *pour la guerre d'* Alemagne, 94, 95, 117.

In the Revolt of *Catalonia* from the *King* of *Spain*, their Lawful Prince, the French King accepted of the Sovereignty over them, being offered him by the States of that Country, and caused Discourses to be written in justification of their Transferring their Allegiance: And yet their Complaint was nothing but the Severity of the *Spanish* Government, and a desire of some greater Liberties than they enjoyed under it. Why then should it be now thought an Unjust thing, for a Sovereign Prince (so nearly related to the Crown of *England*) to espouse the Cause of our Religions and Civil Interests, when the Design was so apparent for the Suppressing them? If that Opportunity had been lost, they might before this time have been past all reasonable hopes of Recovery.

II. But suppose this were allowed; yet here is another Difficulty ariseth, concerning the transferring Allegiance from a Lawful Prince, to him that met with unexpected Success in his Design.

And here I shall endeavour to make it plain, That this is not against the *Doctrines and Principles of the Church of England.* If we allow the Church of *England*, to have declared its Sense in the Matter of Government, it can only be with respect to *Subjects.* But I think the Measures of our Obedience, are not to be taken from the Rules of the Church; but from the *Laws of the Realm*: Because they are not the same in all Countries where the same Religion is Professed; as is plain in the Case of *France* and *Poland*: The Reason of the different *Measures* in these Countries is not from the Church, but from the different Constitution of the Kingdoms.

And I do not see how the Rules of the Church can alter the Fundamental Laws: For the Church only enforceth the Duty of Obedience on the Consciences of Men; but it doth not prescribe or limit the Bounds of it.

Whether our Monarchy be *Absolute*, or *Limited*; or if *Limited*, whether in its *Exercise* of *Power*, or in the *Right* of *Sovereignty*; how far the Limitation gives a Right of Resistance, in case of the Breach of it, are nice Questions, but not to be resolved by the Rules of the Church, but by our Legal Constitution and the General Reason of Mankind: And therefore in such Cases, where the Right of War and a Foreign Power are concerned, we are not to judge meerly by Municipal Laws; but we are to proceed by a more General *Law*, *viz.* that of *Nations*, which takes in the Effects of a just War, which the particular *Laws* of a Country have no regard to.

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But where hath the *Church* of *England* declared its sense about the *Right of War*? The *Articles* of our Church declare, *that the chief Government of all Estates of this Realm, doth appertain to the Civil Magistrate:* But they no where say, that in a just War the Supream Power cannot be acquired; or that God doth never confer it in an extraordinary method.

The Book of *Homilies* is very severe against *Disobedience* and *wilful Rebellion*; but it is no where said, that where the Right of Sovereignty is transferred by a successful War, there is no Allegiance due to those who possess it: "On the contrary it is said in the first Part, That if God for "their wickedness had given them an Heathen Tyrant to Reign over "them, they were by God's Word bound to obey him, and to pray for "him. Can it then be agreeable to the *Doctrines* and *Principles of our Church*, to refuse Allegiance to good Religious Princes, whom God hath made the happy Instruments of preserving our Religion and Liberties?

In the same Part, *the Jews are commended for praying for the King of Babylon, when they were in Captivity, that they might live under his Protection, and do him Service, and find Favour in his sight.* And what is this short of Allegiance to one, who had nothing but bare Success in War, to plead for his Title to it? If any Princes of their own Religion had rescued them from that Captivity, would they have scrupled Allegiance to them, when we see how far the *Maccabees* went in the Defence of their Religion and Laws?

In the Second Part, the obedience of the *Jewish Nation* to *Augustus* is commended; and it is evident that he had no Authority over them, but by the Right of War. And our Blessed Saviour's example is mentioned, *who being brought before the Roman President, acknowledged his Power and Authority to be given him from God.* And how was this Authority conveyed to him, but by the success of War?

So that we can find nothing, in the certain established *Doctrine and Principles of our Church*, which is repugnant to our Allegiance to the present Government. I might easily produce considerable Testimonies of some of the greatest Divines of our Church, which assert, that Sovereignty may be transferred by a just War; but I leave that to others, and proceed.

Mr. Ashton saith, *That we were born leige Subjects to another; that we have solemnly professed our Allegiance, and often confirmed it with Oaths.* I know no body denies it. But is this all? Is our Allegiance so *inseparable* from the Person we have once sworn to, that no Case whatsoever, can alter it? Not the Case of plain voluntary Dereliction? Not the Case of putting the Kingdom under a Foreign Power? Not the seeking the utter Ruin and Destruction of the People? Is Allegiance inseparable in these Cases, because we were Born Subjects and did swear Allegiance? If not, then it is not always so, notwithstanding the Oaths. For these and several others are allowed, by such who have written the most warmly against the Republican Principles. But we need not run to any difficult Cases: Ours is only the case of a just War; which is allowed by all sorts of *Casuists*, who do agree, that Allegiance is due to the Party that prevails in it; and if it be due to one, it cannot be due to another, at the same time; altho' he be living and do not discharge Persons from their Oaths; for the obligation of Oaths, depends on the Nature and Reason of things, and not upon the Pleasure of those to whom they are made. But where there is a Right to govern, there must be a Duty of Allegiance: And that Success in a just war, doth give

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such a Right, I could produce so many Testimonies, of all kinds of Writers, as would make the Reading of them as tedious as of those in the History of *Passive Obedience.* Nay, some go so far, as to assert a Right of Sovereignty to be acquired by success, even in an *Unjust War:* But we need none of these Testimonies.

But doth not all this resolve this whole Controversy into a Right of Conquest, which is not so much as pretended in our present Case?

I Answer, That we must distinguish between a *Right to the Government*, and the *Manner of Assuming it.* The *Right* was founded on the *Just Causes* of the War, and the success in it: But the assuming of it was not by any ways of force or violence, but by a Free *Consent* of the *People*, who by a *voluntary Recognition*, and their Majesties acceptance of the Government, as it is settled by our Laws, take away any pretence to a Conquest over the People, or a Government by Force.

Thus I have endeavoured to set this matter in as clear a light, and in as little a compass as I could; I now return to Mr. *Ashton's* Speech.

Next to his Obligation on the Point of Religion, he mentions that of *Gratitude to the King his Master, whom he had served 16 years,* — *But this,* he adds, *is a thing not much esteemed at this time.* As little as it is esteemed, I know no body would have blamed his *Gratitude*, if it had not carried him beyond the bounds of his *Duty.* But it is strange, he should be so much for *Gratitude*, and yet should allow none for so *great a Deliverance.* What is 16 years service to the Preservation of a Nation from the imminent danger of *Popery* and *Arbitrary Power?* Such men look but a very little way, who talk at this rate: And can they imagine a *French Power*, under our Circumstances, could secure any thing to us but Ruin?

As to his *Master's usage*, which he saith, *after the Prince of* Orange's *Arrival, was very hard, severe; and, if he may say it, unjust.* I would desire his Friends to consider a little better, and to think, if any such thing as Severity had been intended, how easy it had been to have Executed it, and to have prevented his going away; and consequently, a great deal of the charge of the War he complains of immediately after. Let them name any one Person in such Circumstances, who was allowed so great freedom as he had, of disposing of himself: But this is very far from Mr. *Ashton's* occasion of Suffering.

Well, *But all the new Methods of Settling, have hitherto,* he saith, *made the Nation more miserable, poor, and exposed to Foreign Enemies.* It is possible such may believe, that the Nation would be less *miserable* and *poor* under the *French Power*, than it is now. But no man who observes the vast designs of *France*, and the incredible industry of the *French Monarch*, to inlarge his own Power and Dominions, can think (if he thinks twice) that ever he should undertake so great a Work, out of kindness to any but himself; much less, out of perfect good will to the *English Nation.* Hath he given so much evidence to the World of his *Sincerity* in his Promises, when the keeping of them hath been prejudicial to his Interest? Suppose he should compass his end upon us, and under so fair a Colour, make Provinces of these Kingdoms; what possible remedy would there be for this, then indeed, *poor and miserable Nation?* What comfort will it then be to say, *they did not think he would have broken his word so with them?* In the mean time, Is it not great *Wisdom* and *Policy*, to venture our Religion, and all our Liberties on the sincerity and kindness of *France?* But if there be any present hardship, it is no more

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than a necessary War involves our Neighbours in as well as our selves; and that in a common Cause, for preserving the Liberty of *Europe*, against the growing Power of *France*, as it did formerly of *Spain*.

But there is another Insinuation of a higher nature, viz. *that the Religion we pretend to be so fond of preserving, is now much more than ever, likely to be destroyed.* What is the meaning of this? What! More in danger than when Penal Laws and Tests were taking away in order to the taking away our Religion after them? When the design was as plain and open as a thing of that nature could be, in such a Nation? When some of the Factors themselves complained, they made too much haste, and were too eager and forward to accomplish it. And altho' nothing was then pretended but the settling *Liberty of Conscience* upon a new *Magna Charta*, yet all wise Men saw through these pretences, and that nothing was really designed but Popery; which the Jesuits did not conceal in their Letters to each other: One of the which hapned to be intercepted; and the thing it self, is now fully owned in the Kings own Letter to the Pope, printed at the end of the late Trials. So that there must be a design, either to deceive the Pope, or the Nation; and which is the more probable, let any man of sense judge.

But where lies the danger of our Religion now? Have we not the same Laws, the same Protection, the same Encouragement, which we ever had, at any time since the Reformation? If our Religion be now in danger, it is by such men who would bring in the *French Power* to establish it; however it be disguised under another Pretext.

After this follows a Charge of no less than *Perjury* and *Rebellion* upon his Fellow Subjects; *whom*, he adviseth *to return to their Allegiance, before the Judgments of God overtake them, for their Perjury and Rebellion.* This is a heavy Charge indeed, upon the Body of the Nation, which hath taken the Oaths of Allegiance to their Majesties: But if it be true, it is accusing the greatest part of Mankind of these Sins, who have hapned to live in the time of any great Revolutions, or changes of Government. Was the Nation *Forsworn* in the times of *William* the Conqueror, and his two Sons, and his Nephew? Was it *Forsworn* all the time of King *John*, and the several Reigns of the 4th, 5th, 6th and 7th *Henries?* One would think it better became a dying man to judge more charitably of his Fellow Subjects. Had he never heard of the Law of *England*, requiring Allegiance to the King, on account of the Possession of the Crown; and that our most eminent Lawyers, in peaceable and quiet Times, have been of that Opinion? Methinks at least, that should make modest men not so peremptory in such a Charge; for it is to make such an Oath unlawful, which the Law makes not only lawful, but a Duty. And when the greatest Lawyers this Nation hath had thought this a part of our Law; shall such who confess themselves *unskilful in the Law*, charge the Nation with Perjury, for taking an Oath, which the Law requires?

But if our Law did not require it, there is such a general consent in Mankind about it, that it seems to me, to be a *Law of Nations*, That an Oath of Fidelity should follow Possession; because otherwise, there would be infinite snares to the Consciences of all such who are required to obey, but are not bound to enquire into the *Rights* of *War*.

Is it Perjury and Rebellion in the new *French* Conquests, for the Inhabitants to take Oaths of Fidelity to the *French* King? If not, how comes it to be so here? Is there not the same *Right* of *War* here as abroad?

Was it *Perjury* and *Rebellion* in the Subjects of the King of *Spain* in *Portugal*, to take a new *Oath* of *Allegiance* to the Duke of *Braganza*, when he was declar'd *King?* And yet they were all sworn before, not only to the *King* of *Spain*, but *to his Heirs:* And even the Duke himself had not only taken this Oath, but the *Spaniard* particularly charged him with *Perjury*, and great *Ingratitude:* Yet the Obligation to his Countries good was then thought to over-rule that Personal Obligation to the King of *Spain.*

But if they were all guilty of *Perjury* and *Rebellion*; how came the other Princes of *Europe* so frankly and readily to own his Government; and the *French*, as much and as early as any, sending Assistance by Sea and Land to support it? But in this Revolution of *Portugal*, the best Title was the Success of War, founded on a remote Title to the Crown, when the King of *Spain* had enjoyed the Possession of that Crown to the Third Generation.

But it may be said, *That the Practices of other People are to be no Rule to us; and that we are not to be guided by bad Precedents abroad, but by the Principles and Doctrines of our own Church.* This were to the purpose, if our Church had any where declared taking such an Oath to be *Perjury.* But where is that done? I confess, I can find no such thing: And if Mr. *Ashton* (or his Friends) had made such a Discovery, they ought to have told the World of it. But if there be no such *Declaration* to be met with, then we are left to the general Rules of Conscience, and the common Reason of Mankind; according to which, I see no ground for this heavy Charge of *Perjury* and *Rebellion* in our present Case.

But although Mr. *Ashton* be so abundantly satisfied in the Design he mentions, *that if he had ten thousand Lives, he would sacrifice them all in so good and necessary a Work*; yet the Remainder of his Speech is spent in clearing his Innocency, as to the Fact for which he was Condemned. If it was so Meritorious an Act to die in such a Cause, a Man might have been tempted to be thought Guilty.

But before he could think fit to die in Charity with all the World, he saith several things with a design to blacken the *Judges*, the *Jury*, and the *Government.*

The *Judges* he accuses of a *Severe Charge*, and *the Hard Measure he received.*——

As to the latter, it is a very odd kind of *Hard Measure*, when he was so very little sensible of it then, that he said, *He did not complain of the Court*, fol. 112. and more fully afterwards, fol. 115. *I cannot but own I have had a fair Trial for my Life.* Where was the Hard Measure then? Therefore this could not be Mr. *Ashton*'s Sense, unless he would contradict himself; and those who would free him from it, must take these Words to have been written by others, who thought to serve another End by it; and were not so near giving an Account for such Calumnies.

The severity of the Charge lay in applying the Statute 25 *Ed.* 3. to his Fact. Which was a *Design to carry into* France *a Treasonable Scheme and Project of an Invasion, in order to the deposing the King and Queen.* This last the Judges declared, *had been always held to be High Treason.* All the Question was then, Whether such a Fact were an *Overt-Act* of such a Design; and so it was left to the Jury, whether Mr. *Ashton* intended to go over with such a Design or not. If there be any Severity here, it must be in the Law; and that all those who suffer by a Law, are apt to complain of.

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He particularly chargeth *that Judge*, and *that Juryman, who did*, he saith, *signally, contrary to common Justice, expose themselves to destroy him.* This is a very hard Charge from a Dying-man, and ought to have great Evidence to reconcile it to *common Charity*; but he offers none. The *Jury* were to act according to their Consciences; and if they did so, how could they *expose themselves contrary to common Justice to destroy him?* But what Evidence doth he give, that they did not so? Some have told him, *that he was the first man that was ever Condemned for High Treason upon bare Suspicion or Presumption, and that contrary to my Lord* Cook *and other Eminent Lawyers Opinions.*

The main point as to the *Jury*, was, Whether they were satisfied in their Consciences, that Mr. *Ashton* intended to go into *France* with such a Design? And where the Fact lies in the *Intention* there can be no direct Evidence (without seeing the Heart;) but it must be gathered from a Concurrence of Circumstances, strong enough to determine an honest man's Judgment: And such the *Jury* believed to be in his Case. *My Lord Cook's* words are on the Case of Treason, *That the Compassing, Intent or Imagination, tho' secret, is to be tried by the Peers, and to be discovered by Circumstances precedent, concomitant and subsequent, with all endeavour evermore for the safety of the King.*

It is true, he saith afterwards, *Fol.* 12. *That conjectural Presumptions, or Inferences, or strains of Wit, are not sufficient*, but there must be *good and manifest Proof*; but still this Proof must be such as the thing will bear; for there can be no *direct and plain proof* of a secret Intention: Either therefore no man can be justly condemned for a secret Intention, manifested by an *Overt-Act*; or there must be such a Proof allowed, as is sufficient to satisfie a man's Conscience, although it come not up to plain and direct Evidence, as it is opposed to the highest degree of Presumption.

But it may be said, *that the Presumption lies in judging the Intention from the* Overt-Act, *but that* Overt-Act *must be manifestly proved.* The *Overt-Act* in this case was the *carrying over Treasonable Papers into* France, *in order to an Invasion.* The sole Question then was, Whether there was *manifest proof* as to these Papers. That the Papers were found about him was manifestly proved; and he owns, *Fol.* 110. *that they were unfortunately found upon him*; but he saith *that he knew not the Importance of them.* It was manifestly proved, that he had an extraordinary Concernment to have these Papers thrown Over-board; which he saith *was perfectly out of Friendship*, and whether that was a true Answer, was left to the Consciences of the *Jury*, who were to judge of this by all the *Circumstances antecedent, concomitant and subsequent*, by which they did conclude him Guilty. And I cannot see how they went against *Common Justice* therein; especially since Mr. *Ashton* well knew, that one of the most material Papers taken, was of his own *Hand-writing*; not the first Draught, but the Copy which was shew'd him in the Court; and when it was so, he desired, *Fol.* 106. *that the Original may be read, and not the Copy*; and he had good reason for it: For as far as I can judge, upon perusal of both, it is the very same Hand in which this Speech was written. But what said Mr. *Ashton* to the *Jury*, to clear this matter? He saith, *Fol.* 129. *That his Hand was not proved to any of the Papers, and therefore there was nothing but Supposition or Suspicion against him.* It is true, there was no direct and plain proof of the Hand, as there was in the Case of my *Lord Preston*; (and it is a wonder it was omitted, for that would have been plain proof of his *knowing what*

was in those Papers:) However, all the other Circumstances put together, were a sufficient proof of his Privity to the Contents of them.

And I wonder how Mr. *Ashton* could so confidently in his Paper *declare himself Innocent, as to the matter for which he was Sentenced to Die*, when he knew the Paper was of his own Hand-writing, and plain proof hath been since made of his own delivery of it to a third Person. Can a Man be Innocent and Guilty of the same thing?

The only thing to be taken notice of, which remains, is, a Reflection on the Government for his *Close Imprisonment, and the hasty and violent Proceedings against him.* If there were any thing more than usual in such Cases, as to his *Imprisonment*, he ought to have mentioned the particulars; for otherwise it is to Arraign the *Common Justice* of the Nation. As to the *hasty and violent Proceedings* of his Trial; it was then told him, That the greatest Advantage he had, was in putting off his Trial: For by that he knew how *to lay the Papers on my Lord* Preston; which yet could not clear him, as to those Papers which were not written with my Lord's Hand, nor related any ways to him; but one of them was written with his own Hand.

Upon the whole matter, I cannot see how he hath either *proved his Innocency*, or that he acted according to the *Principles and Doctrines of the Church of* England.

As to his Concluding Prayer, I cannot but observe, That in the Beginning of the Speech, the Reason he gives why he *would not make any to the People*, was, *because he would employ his last Minutes in Devotion and holy Communion with God:* Which I hope he did. But those who contrived the Speech, were to make a Prayer for him too; but not a *Prayer* of *Devotion*, but rather of *Faction* and *Sedition:* For it hath no other meaning, than that God would overturn this Present Government, and restore the Former, in order to the *Flourishing of the Church of* England; *notwithstanding the Wounds she hath received from her Prevaricating Sons.*

I cannot imagine how a Man could joyn these things together in a Prayer, unless he could think all those are *Prevaricating Sons*, who are against Popery. For I know no Bottom large enough for *Popery*, and the *Church of England*, to stand upon together.

But this I do not think of Mr. *Ashton*, and therefore conclude, as I began, That this seems rather the Speech of a Party, than of Mr. *Ashton*; who made use of his Name and Hand, to convey into the Minds of the People, the most malicious Insinuations against this Present Government, and all who live in Obedience to it.

FINIS.